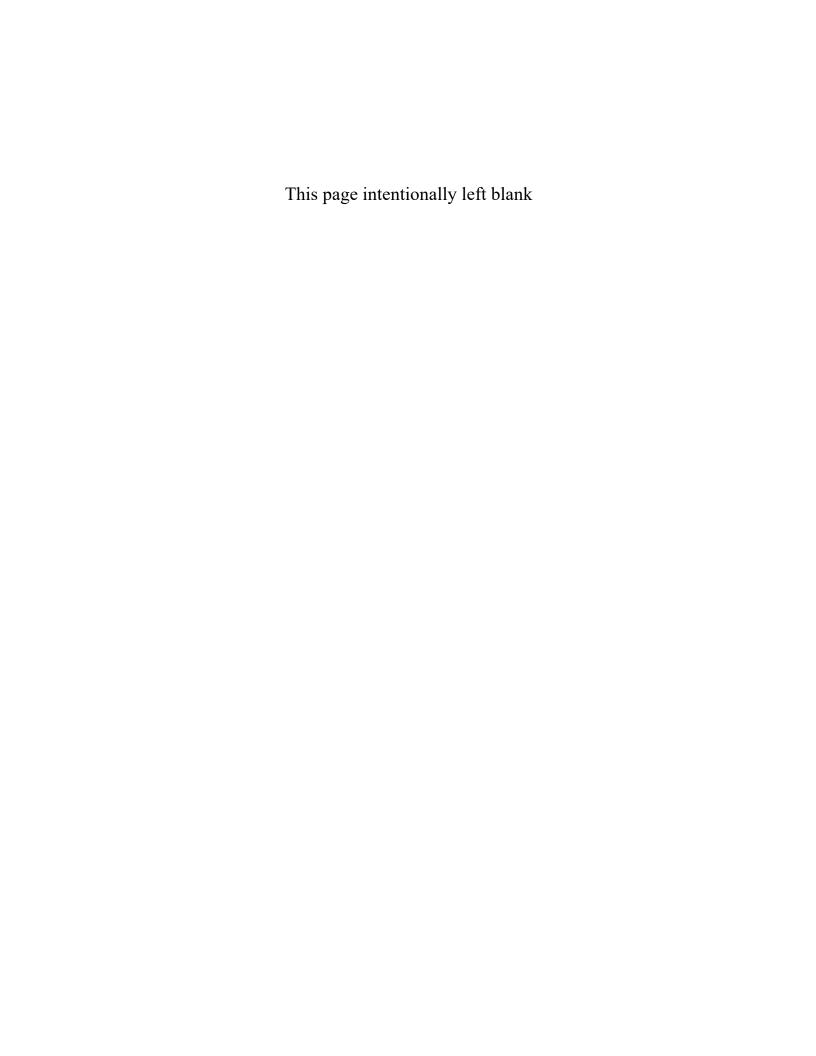
# Town of Natick

# **2020 Fall Annual Town Meeting**

# Finance Committee Recommendation Book



October 9, 2020



# Finance Committee 2020 Fall Annual Town Meeting Recommendation Book

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# Finance Committee Town of Natick, Massachusetts October 8, 2020

# 2020 Fall Annual Town Meeting

Greetings to all Town Meeting Members and Citizens of Natick,

The Finance Committee is pleased to present the 2020 Fall Annual Town Meeting Recommendation Book. In accordance with the Town of Natick By-Laws, this report and recommendations are respectfully submitted for your consideration.

The Finance Committee met to consider the FATM Warrant Articles on September 8, 10, 15, 17, 22, 24, and 29. The Committee completed due consideration of all matters of business within the articles of the 2020 Fall Annual Town Meeting Warrant with the exception of Article 25.

We would like to express our thanks and appreciation for all the hard work and dedication contributed by all the Town officials, members of boards, committees and departments, as well as many concerned citizens, for their cooperation, participation, and openness during our public hearings.

Information provided to the Finance Committee on all Warrant Articles as well as relevant Town Meeting materials, including this Recommendation Book, are now available on the Finance Committee's newly created Town Meeting Member Resource website:

# https://sites.google.com/natickma.org/fincom

This site will be updated throughout the Fall sessions.

Respectfully submitted,

**Natick Finance Committee** 

Linda Wollschlager Chair Todd Gillenwater, Vice Chair Bruce Evans, Secretary
Dirk Coburn David Coffey Guimel DeCarvalho
Jeff DeLuca Bill Grome Julien LaFleur
Michael Linehan Jerry Pierce Richard Pope
Christopher Resmini Philip Rooney Jim Scurlock



# October 8, 2020

# Dear Town Meeting Members:

We hope during this crisis and difficult time that you and your families are well. We recognize that there has been much disruption in everyone's lives, and appreciate you taking the time to volunteer and participate in our community. With perseverance, planning, and patience we will get through this difficult time together.

However, we will need to coalescence around a common vision and recognize that the past does not define how we approach our future. By way of financial vision, Town Administration has and will continue to provide accurate data, analysis, and recommendations to the community and outline possibilities. Town Meeting will need to ultimately decide what it deems is in the best long-term interest for the Town. Sometimes fiscal recommendations will be different compared to what has been previously proposed and discussed at Town Meeting. For example, this Town Meeting Town Administration requests that tax-levy borrowing fund a super majority of capital requests. This will allow us to preserve our cash position as we plan for our future. We acknowledge that this differs from what the Town has done in the past, but then again managing through a pandemic is certainly unique. It is our opinion that we cannot be afraid to consider new perspectives and must continue to explore options, irrespective of whether they were proposed or rejected in the past.

In the very near term, the Town will need to determine how we will meet competing priorities and adopt realistic plans for our future. Covid-19 has brought with it a newfound sense of urgency and a need for creative thinking. This along with Town Administration's ability to provide transparent data to individuals and businesses will help as we design our future. We owe much to our employees, who have contributed to our community and at the same time recognize that increases in taxes must come from our residents, who are also under financial strain. We urge you to review our Financial Indicators and Forecast FY 22-25 available on the Town website to give you a sense of our most recent forecast. There are many unknown variables, but lacking specificity does not absolve us from our responsibility to prudently plan for our future. While we passed a status quo budget for FY 21 in July 2020, we are now standing at the proverbial crossroads and the time is nearing to decide which path we will take.

Within the coming year, the Town of Natick will need to decide if it wishes to shift resources from one department to another, reduce offered services, or consider an operational override. As we walk together into our future, we will need to be brutally honest with ourselves, about past spending,

recognizing developing needs and new trends, and what is required to operate our community. This is about what the Town of Natick is and what the Town of Natick wants to become and our identity.

Again, many thanks for your willingness to contribute. Stay strong and be well.

Very truly yours,

Melissa A. Malone

Mehrin a. Malos

# **MEMO**

**To:** Town Meeting Members

From: Natick Select Board

Date: October 7, 2020

Subject: Select Board Recommendations for 2020 Fall Annual Town Meeting

The table below shows the recommendations of the Natick Select Board for consideration by Town Meeting members of certain articles on the 2020 Fall Annual Town Meeting warrant. The Board respectfully requests the consideration of Town Meeting members when these articles are brought up for action.

			Select B	oard Recommendation to 2020 F	<u>ATM</u>
Article #	Article Title	C	Date of Vote	December detica	Quantu
1	Article Title  Amend Zoning By-Laws:  Amendment to Zoning Map –  Downtown Mixed Use (DM)  District	Sponsor Select Board	9/2/2020	Recommendation  Favorable Action	5-0-0
2	Home Rule Petition: Authorization to Issue (1) on Premise Alcoholic Beverages License for 45 East Central Street, Natick, Massachusetts	Select Board	9/2/2020	Favorable Action	5-0-0
3	Amend Zoning By-Laws: Setbacks in Downtown Mixed Use (DM) District	Select Board	9/23/2020	Favorable Action	4-0-0
4	Amend Zoning By-Laws: Downtown Mixed-Use District: Ground Floor Residential Uses	Select Board & Planning Board	10/07/2020	Favorable Action	5-0-0
5	Amend Zoning By-Laws: Incremental Parking Schedule	Select Board & Planning Board		2020, the Select Board has not taken recommendation to Town Meeting	n action on
6	Amend Zoning By-Laws: Parking in Downtown Mixed Use (DM) District	Select Board & Planning Board	9/23/2020	Motion A: Favorable Action Motion B: No recommendation Motion C: N/A	A: 4-0-0 B: N/A C: N/A
7	Amend Zoning By-Laws: Amendment to Zoning Map – Downtown Mixed Use (DM) District	Select Board & Planning Board	9/23/2020	Favorable Action	4-0-0
8	Amend Zoning By-Laws: Uses in Downtown Mixed Use (DM) District	Select Board & Planning Board	9/23/2020	Favorable Action	4-0-0
9	Sherborn Sanitary Sewer Extension (Pulte Homes) Intermunicipal Agreement	Town Administrator	10/07/2020	Refer to Sponsor	5-0-0

# Respectfully,

Natick Select Board Jonathan Freedman, Chair

Cc: M. Malone – Town Administrator

- F. Foss Town Moderator
- D. Packer Town Clerk
- L. Wollschlager Chair, Finance Committee



# TOWN OF NATICK PLANNING BOARD

13 EAST CENTRAL STREET NATICK, MASSACHUSETTS 01760

# PLANNING BOARD REPORT 2020 FALL ANNUAL TOWN MEETING

October 8, 2020

In accordance with Article 40, Section 6 of the By-Laws of the Town of Natick, the Planning Board provides herein its report on warrant article recommendations per Section 3-11(b) of the Charter.

# Articles requiring a public hearing

The Planning Board held or has continued public hearings for the zoning bylaw related Town Meeting articles, per M.G.L. c.40A s. 5 as follows:

Warrant Article	Date(s) of Public Hearing
1	September 16
3	September 16
4	September 16, October 7
5	September 16
6	September 16
7	September 16
8	September 9
11	September 9
12	September 9
13	September 9
14	September 9, October 7
17	September 9
18	September 9
20	September 16
21	September 16, October 7

Article 1 – Amend Zoning Bylaws: Amendment to Zoning Map, Downtown Mixed Use (DM) District The Planning Board reviewed Article 1 at its meeting of September 16, 2020 at which the Board voted to recommend Favorable Action. Vote 4-1-0 (Munnich)

This proposed rezoning, which is sponsored by the Select Board, will allow commercial use on the ground floor of the lot facing Route 135 as part of the Select Board's agreement with the "Friendly 40B" project proposed for the former St. Patrick's School site. The proposal is broadly in keeping with a recommendation in the Natick 2030+ Comprehensive Plan, which proposes the

rezoning of the lots fronting the south side of Route 135 from Lincoln St to Union St, as part of a "Transitional Mixed Use" zone, which "allows uses similar to the DM zone, but with lower densities compatible with adjacent residential development." Importantly, the three rear lots that are part of this development will remain zoned Residential General (RG), providing a transitional buffer for the surrounding residential neighborhood. Planning Board members expressed concern with the opaque nature of the process to date and a keen interest in contributing to Site Plan Review for the redevelopment project. This article has the support of Natick Center Associates and the Town's Economic Development Committee.

# Article 3 – Amend Zoning Bylaws: Setbacks in Downtown Mixed Use (DM) District The Planning Board reviewed Article 3 at its meeting of September 16, 2020, at which the Board voted to recommend Favorable Action. Vote 4-1-0 (Munnich)

This article, which is sponsored by the Select Board, creates added flexibility for the DM district, allowing new development to have less than the current 15-foot minimum if permitted through a Special Permit process. This is an important tool for redevelopment in Natick Center, where a majority of the commercial blocks predate zoning and in many cases sit right on the property line, as is characteristic of the Victorian period in which they were built. This article has the support of Natick Center Associates and the Town's Economic Development Committee.

# Article 4 – Amend Zoning Bylaws: Downtown Mixed Use (DM) District - Ground Floor Residential Uses

The Planning Board reviewed Article 4 at its meetings of September 16 and October 7, 2020, at which the Board voted to recommend **Favorable Action**. Vote 3-1-0 (Munnich)

The Planning Board and Select Board co-sponsored this article, which preserves the business character of core streets in Natick Center by reserving ground floor occupancy for uses other than multi-family residential, implementing a recommendation in the Natick 2030+ Comprehensive Plan. The Board had sponsored a 2019 FATM warrant article that would have prohibited any multi-family residential use in the core of Main St, but asked for the article to be referred back to it for further discussion with Natick Center businesses and property owners. The significant recasting of the original proposal is the result of those discussions and has won support of Natick Center Associates and the Town's Economic Development Committee.

### **Article 5 – Amend Zoning Bylaws: Incremental Parking Schedule**

The Planning Board reviewed Article 5 at its meeting of September 16, at which the Board voted to recommend **Favorable Action**. Vote 4-1-0 (Munnich)

The Planning Board and Select Board co-sponsored this article, which would establish a mitigation fund for payments under the Incremental Parking Credit Schedule in Section 5 ("Exceptions in Downtown Mixed Use District") of the Off-Street Parking and Loading Requirements (V-D) of the Zoning Bylaws. This article addresses a flaw in the original bylaw, which does not identify where mitigation payments under this Schedule are directed in instances of commercial development. After the Planning Board closed its public hearing, questions were raised at the Finance Committee hearing about the structure and management of the mitigation fund. It is anticipated that the chair of the Planning Board will make a motion on the floor of Town Meeting to refer this article back to the Planning Board and Select Board.

### Article 6 - Amend Zoning Bylaws: Parking in Downtown Mixed Use (DM) District

The Planning Board reviewed Article 6 at its meeting of September 16, 2020, at which the Board voted to recommend **Favorable Action.** Vote: <u>Motion A</u> 4-1-0 (Munnich); <u>Motion B</u> 4-1-0 (Munnich); <u>Motion C</u> 4-0-1 (Munnich)

The Planning Board and Select Board co-sponsored this article, which proposes to lower parking requirements in Natick Center. In <u>Motion A</u>, the proposed residential parking requirements would be generally consistent with other zoning districts in Natick. <u>Motion B</u> removes parking requirements for ground floor commercial uses, making it easier to attract new businesses to Natick Center and keep ground-floor storefronts lively and active. The two motions are intended to promote private sector investment in Natick Center consistent with the goals of Natick 2030+ and preserve the character and quality of Natick Center's existing built environment.

<u>Motion C</u>, which addresses bicycle parking for multi-family developments, was determined to be outside the four corners of the warrant article by the Moderator after the Board's vote.

This article has the support of Natick Center Associates and the Town's Economic Development Committee.

Article 7 – Amend Zoning Bylaws: Amendment to Zoning Map, Downtown Mixed Use (DM) District The Planning Board reviewed Article 7 at its meeting of September 16, 2020, at which the Board voted to recommend Favorable Action. Vote 4-1-0 (Munnich)

The Planning Board and Select Board co-sponsored this "clean up" article, which would extend the Downtown Mixed Use (DM) district on its western side to include three parcels that are now zoned Residential General (RG). This will put a parking area that serves local businesses into the same zoning district and brings the other two developed parcels into conformity in terms of use. The current zoning is an artifact of its use when the 1960 Zoning Bylaw was passed. This article has the support of Natick Center Associates and the Town's Economic Development Committee.

# Article 8 – Amend Zoning Bylaws: Uses in Downtown Mixed Use (DM) District

The Planning Board reviewed Article 8 at its meeting of September 9, 2020, at which the Board voted to recommend **Favorable Action**. Motion A and Motion B Vote 4-1-0 (Munnich)

The Planning Board and Select Board co-sponsored this article, which changes outdoor dining in the DM District from requiring a Special Permit to an as-of-right use. This would help streamline the permitting process for a use that Natick 2030+ envisions as contributing to an active and dynamic Natick Center. Outdoor dining would be limited to private property. It would not encroach on any Town sidewalk easements for those parts of Natick Center where the public sidewalk is located wholly or partly on private land. This article has the support of Natick Center Associates and the Town's Economic Development Committee.

# Article 11 – Amend Zoning Bylaws: Single-Family Residential Cluster Development

The Planning Board reviewed Article 11 at its meeting of September 9, 2020, at which the Board voted to recommend **Favorable Action**. Motion A, Motion B, and Motion C Vote 5-0-0

The Planning Board sponsored this article, which consolidates five existing cluster bylaws into one coherent bylaw; provides cluster provisions for smaller parcels; creates incentives for the creation of smaller housing units; and incorporates sustainable building strategies. The comprehensive bylaw will provide consistent enforcement for cluster development; introduce Low Impact Development and sustainable strategies; provide the benefits of open space for

smaller infill parcels; and encourage the development of smaller houses through a density incentive. The language of the existing cluster bylaws is substantively preserved, with changes to minimum parcel size for cluster development; new sustainable strategies; and options to promote the development of contiguous open space and the construction of smaller houses.

The three motions (A) establish the language of the bylaw; (B) add new definitions to that section of the bylaw; and (C) inserts the Residential Cluster Regulation Schedule.

Article 12 – Option Overlay District ("ISLOOP") of the Town of Natick Zoning Bylaws
The Planning Board reviewed Article 12 at its meeting of September 9, 2020, at which the Board voted to recommend Favorable Action. Vote 5-0-0

The Board recommended Favorable Action of this citizen petition, which adds an additional lot to the Independent Senior Overlay Option Plan (ISLOOP) District that was voted by Town Meeting in 2017. The expansion of the district allows greater flexibility for the optimal development of the site. Although this article stands on its own, there are related changes to the ISLOOP section of the bylaw in Article 17 (see below), for which the Board also recommends Favorable Action and which is strongly supported by neighbors and abutters.

Article 13 – [Zoning Bylaws]: Repeal Historical Preservation Smaller Estates Amendment
The Planning Board reviewed Article 13 at its meeting of September 9, 2020, at which the Board vote for Favorable Action Failed. Vote 0-4-1 (Munnich)

The Board declined to support the article to repeal the Smaller Estates section of the Historic Preservation Bylaw, believing that the safeguards in the original bylaw provide safeguards regarding the impact of a development under this bylaw on the neighborhood.

Article 14 – [Amend Zoning Bylaws]: Modify Historical Preservation Bylaw Amendment
The Planning Board reviewed Article 14 at its meeting of September 9 and October 7, 2020, at
which the Board voted to recommend the following: Motion A - Referral to the Sponsor and the
Planning Board. Vote 5-0-0 (voted on September 9); Motion B – Favorable Action. Vote 4-0-0;
Motion C – Favorable Action. Vote 3-1-0 (Glater).

The article addresses the Sponsor's concerns regarding the Smaller Estates section (V-J.10) of the Historic Preservation Bylaw (V-J). The Board voted to refer Motion A to the Sponsor and the Planning Board, as the Board believed the figures provided in this motion require review and likely modification. The Board's recommendation of Favorable Action for Motion B recognizes the value of closely reviewing current language and examining "best practice" approaches to this aspect of historic preservation. The time-limited moratorium in Motion C would alleviate pressure from new projects until the existing bylaw has been vetted and tested more thoroughly.

Article 17 – [Amend Zoning Bylaws]: Amend Certain Provisions of Section III-I.2.2.5

The Planning Board reviewed Article 17 at its meeting of September 9, 2020, at which the Board voted to recommend Favorable Action. Vote 4-0-1 (Munnich)

The Board recommended Favorable Action on the modifications proposed by the Sponsor, as they would allow greater flexibility in siting the building on the site and contributing to a design that would support massing that responds to the scale of the surrounding neighborhood.

Article 18 – [Amend Zoning Bylaws]: Amend Home Occupation Dog Kennel Zoning
The Planning Board reviewed Article 18 at its meeting of September 9, 2020, at which the Board vote for Favorable Action Failed. Vote 0-5-0

The Board declined to support the citizen petition article, which appeared to be onerous in its requirements and overly restrictive in the limit proposed for the number of dogs it would permit.

Article 20 – Amend Zoning Bylaw to Create East Central Street Overlay District (ECSOD)
The Planning Board reviewed Article 20 at its meeting of September 16, 2020, at which the Board had **No Recommendation**. Vote 2-2-1 (Glater/Munnich–Evans/Meyer-Nottonson)

The Board was divided on this citizen petition article, which would create an overlay district for the four lots that comprise the development parcel for the former St. Patrick's School.

Article 21 – Amend Zoning Bylaws: Downtown Mixed Use (DM) District Zoning Amendment The Planning Board reviewed the Article 21 at its meetings of September 16 and October 7, 2020, at which the Sponsor asked for referral on the article. The Board voted to recommend Referral to the Sponsor. Vote 4-0-0

The Sponsor (Mr. Munnich) asked that the matter be recommended for referral so that matters related to the DM district might be considered as part of an overall study of the district.

### **Other Articles**

# Article 25 – Create Study Committee of Town Meeting to Conduct Review of Downtown Mixed-Use Zoning

The Planning Board briefly discussed Article 25 at its meeting of October 7. As there was at that time no motion submitted by the sponsor, the Board was not able to vote a recommendation by the deadline for the Finance Committee book. The Planning Board anticipates that a recommendation will be provided separately to Town Meeting members after the Board's meeting on October 21.

# **Summary of Finance Committee Recommendations on FATM Warrant Articles**

Art #	Title	Vote date	Recommendation	Quantum of Vote
1	AMEND ZONING BY-LAWS: Amendment to Zoning Map – Downtown Mixed Use (DM) District	9/17	Favorable Action	13-0-0
2	Home Rule Petition: Authorization to Issue (1) On Premises Alcoholic Beverages License for 45 East Central Street, Natick, Massachusetts	9/17	Favorable Action	11-1-0
3	AMEND ZONING BYLAWS: Setbacks in Downtown Mixed Use (DM) District	9/22	Favorable Action	8-3-0
4	AMEND ZONING BY-LAWS: Downtown Mixed-Use District: Ground Floor Residential Uses	9/22	Favorable Action	8-1-2
5	AMEND ZONING BYLAWS: Incremental Parking Schedule	9/22	Referral	11-0-0
6	AMEND ZONING BYLAWS: Parking in Downtown Mixed Use (DM) District	9/22	A: Favorable Action B: No Recommendation C: No Consideration	A: 8-3-0 B: FA 7-1-3
7	AMEND ZONING BYLAWS: Amendment to Zoning Map – Downtown Mixed Use (DM) District	9/17	Favorable Action	9-3-0
8	AMEND ZONING BYLAWS: Uses in Downtown Mixed Use (DM) District	9/22	A: Favorable Action B: Favorable Action	A: 11-0-0 B: 11-0-0
9	Sherborn Sanitary Sewer Extension (Pulte Homes) Intermunicipal Agreement -	9/29	No Action	11-0-0
10	Authorize Special Legislation Article 97 Land Disposition of a Portion of 181 West Central Street	9/10	A: No Recommendation B: No Recommendation	
11	AMEND ZONING BYLAWS: Single Family Residential Cluster Development	9/15	A: Favorable Action B: Favorable Action C: Favorable Action	A: 12-0-0 B: 12-0-0 C: 12-0-0
12	Option Overlay District ("ISLOOP") of the Town of Natick Zoning By-laws.	9/15	Favorable Action	11-0-1
13	Repeal Historical Preservation Smaller Estates Amendment	9/15	Referral	8-4-0
14	Modify Historical Preservation Bylaw Amendment	9/15	Motion A: Referral Motion B: Referral Motion C: Referral	A: 12-0-0 B: 8-4-0 C: 12-0-0
15	Plastic Straw Restriction (Town Moderator on behalf of Joseph Napurano et al)	9/8	Referral	8-0-0
16	Review and Revise the Natick Town Seal	9/8	No Recommendation	FA 7-3-0
17	To Amend Certain Provisions of Section III-I.2.2.5 of the Town of Natick Zoning By-laws	9/15	Favorable Action	10-0-2
18	Amend Home Occupation Dog Kennel Zoning	9/10	Referral	9-0-0
19	Reform of the Electoral Process	9/8	Referral	9-0-0
20	Amend Zoning By-Law to Create East Central Street Overlay District	9/17	No Action	11-2-0
21	Amend Zoning By-Laws: Downtown Mixed Use Zoning Amendment	9/22	Motions A, B, C, D: Referral	11-0-0
22	Local Option Exemption to Appoint a Police Officer	9/15	Favorable Action	12-0-0

# **Summary of Finance Committee Recommendations on FATM Warrant Articles**

Art #	Title	Vote date	Recommendation	Quantum of Vote
23	Town Meeting Practices and Rules Committee (Amend ByLaws 3,23; Charter 7)	9/10	A: Favorable Action B: Favorable Action C: Favorable Action	A: 8-0-0 B: 8-0-0 C: 8-0-0
24	Town Meeting Practices and Rules Committee (Amend Fiscal Procedures, Charter 5)	9/10	Favorable Action	8-0-0
25	CREATE STUDY COMMITTEE OF TOWN MEETING TO CONDUCT REVIEW OF DOWNTOWN MIXED-USE ZONING		None	
26	Committee Article	9/24	No Action	10-0-0

# **General Fund Revenue/Expenditure Summary - Fiscal Year 2021**

	2019	2020	2021	2021 Amengeg	2020 v 202	1 AP	2021 JAN v	2021 AP
<b>General Fund Revenues</b>	Actual	Recap	January	Prelim	\$ (+/-)	% (+/-)	\$ (+/-)	% (+/-)
Tax Levy	\$ 111,530,485	\$ 121,635,689	\$ 125,588,098	\$ 125,159,992	3,524,303	2.90%	(428,106	-0.34%
State Aid	\$ 14,553,519	\$ 14,938,819	\$ 15,379,797	\$ 11,951,055	(2,987,764)	-20.00%	(3,428,742	) -22.29%
Local Receipts	\$ 17,659,742	\$ 17,901,540	\$ 16,908,655	\$ 12,531,078	(5,370,462)	-30.00%	(4,377,577	) -25.89%
Other Local Receipts					-			
Indirects	\$ 2,262,021	\$ 2,585,229	\$ 2,752,576	\$ 2,752,576	167,347	6.47%	=	0.00%
Free Cash	\$ 6,579,906	\$ 5,191,574	\$ 4,500,000	\$ 2,000,000	(3,191,574)	-61.48%	(2,500,000	) -55.56%
Stabilization Fund (s)	\$ 2,973,950	\$ 3,617,000	\$ 2,196,512	\$ 4,161,500	544,500	15.05%	1,964,988	89.46%
Overlay Surplus	\$ 500,000	\$ 500,000	\$ 1,000,000	\$ 1,000,000	500,000	100.00%	-	0.00%
Other Available Funds	\$ 308,393	\$ 291,309	\$ 282,740	\$ 282,740	(8,569)	-2.94%	-	0.00%

Total General Fund Revenues	156,368,016		166,661,160		168,608,378		159,838,941	(6,822,219)	-4.09%	(8,769,437)	-5.20%
General Fund Expenses	2019		2020		2021		2021 Amended	2020 v 202	21 AP	2021 JAN v 202	1 AP
Education & Learning	Actual		Recap		January		Prelim	\$ (+/-)	% (+/-)	\$ (+/-)	% (+/-)
Natick Public Schools	\$ 64,952,436	\$	67,810,346	\$	71,203,231	\$	67,097,246	(713,100)	-1.05%	(4,105,985)	-5.77%
Keefe Tech	\$ 1,594,984	\$	1,554,748	\$	1,601,390	\$	1,334,398	(220,350)	-14.17%	(266,992)	-16.67%
Morse Institute Library	\$ 2,179,464	\$	2,357,551	\$	2,357,612	\$	2,357,612	61	0.00%	-	0.00%
Bacon Free Library	\$ 177,621	\$	190,792	\$	198,194	\$	182,306	(8,486)	-4.45%	(15,888)	-8.02%
Public Safety	\$ 16,473,105	\$	16,802,303	\$	16,517,943	\$	17,171,627	369,324	2.20%	653,684	3.96%
Public Works	\$ 8,346,326	\$	8,913,228	\$	8,864,044	\$	8,921,276	8,048	0.09%	57,232	0.65%
Health & Human Services	\$ 2,360,898	\$	2,713,620	\$	2,686,781	\$	2,676,631	(36,989)	-1.36%	(10,150)	-0.38%
Administrative Support Services	\$ 5,608,818	\$	7,766,070	\$	7,748,007	\$	6,630,119	(1,135,951)	-14.63%	(1,117,888)	-14.43%
Committees	\$ 101,297	\$	120,550	\$	120,550	\$	115,550	(5,000)	-4.15%	(5,000)	-4.15%
Shared Expenses											
Fringe Benefits	\$ 14,918,523	\$	16,756,666	\$	17,125,904	\$	16,938,091	181,425	1.08%	(187,813)	-1.10%
Prop & Liab. Insurance	\$ 742,467	\$	847,150	\$	863,972	\$	863,972	16,822	1.99%	-	0.00%
Retirement	\$ 9,416,416	\$	10,070,552	\$	10,843,395	\$	10,843,395	772,843	7.67%	-	0.00%
Debt Services	\$ 9,540,738	\$	16,626,732	\$	15,789,243	\$	15,143,814	(1,482,918)	-8.92%	(645,429)	-4.09%
Reserve Fund	\$ 250,000	\$	250,000	\$	250,000	\$	250,000	-	0.00%	-	0.00%
Facilities Management	\$ 2,923,926	\$	3,490,001	\$	3,647,390	\$	3,552,324	62,323	1.79%	(95,066)	-2.61%
General Fund Oper. Expenses	\$ 139,587,019	Ş	156,270,309	Ş	159,817,656	\$	154,078,361	(2,191,949)	-1.40%	(5,739,295)	-3.59%
Capital Improvements	\$ 2,973,950	\$	-,- ,	\$	2,196,512		1,861,500	(1,755,500)	-48.53%	(335,012)	-15.25%
School Bus Transportation	\$ 402,095	\$	410,137		421,416		421,416	11,279	2.75%	-	0.00%
State & County Assessments	\$ 1,507,563	\$		\$		\$	1,416,751	(88,090)	-5.85%	(103,138)	-6.79%
Cherry Sheet Offsets	\$ 468,705	\$	359,312		362,905		320,913	(38,399)	-10.69%	(41,992)	-11.57%
Snow Removal Supplement	\$ 717,717	\$		\$	400,000		350,000	(175,565)	-33.41%	(50,000)	-12.50%
Overlay	\$ 1,591,768	\$		\$		\$	1,150,000	-	0.00%	-	0.00%
Golf Course Deficit	\$ 240,000	\$	240,000		240,000	\$	240,000	-	0.00%	-	0.00%
General Stabilization Fund	\$ 250,000	\$		\$	250,000			(250,000)	-100.00%	(250,000)	-100.00%
Operational Stabilization Fund	\$ 500,000	\$	250,000	\$	250,000			(250,000)	-100.00%	(250,000)	-100.00%
Capital Stabilization Fund	\$ 2,400,000	\$	1,519,347	\$	1,500,000			(1,519,347)	-100.00%	(1,500,000)	-100.00%
One-to-One Technology Stab Fund		\$	-								
FAR Bonus Stabilization Fund	\$ -	\$	-								
OPEB Trust Fund	\$ 441,723	\$		\$	400,000			(375,639)	-100.00%	(400,000)	-100.00%
Misc. Articles	\$ 396,622	\$	112,000	\$	100,000			(112,000)	-100.00%	(100,000)	-100.00%
	\$ 11,890,143	_	10,313,841	\$	8,790,722	_	5,760,580	(4,553,261)	-44.15%	(3,030,142)	-34.47%
Total General Fund Expenses	\$ 151,477,162	\$	166,584,150	\$	168,608,378	\$	159,838,941	(6,745,210)	-4.05%	(8,769,437)	-5.20%
Net Excess / (Deficit)	4,890,854		77,010		-		(0)				

# General Fund Expenditure Summary - Fiscal Year 2021 This spreadsheet details the appropriations made at 2020 Spring Annual Town Meeting by department.

		2019		2020		2021	2021	2021		2020 vs. 2021 AP	l AP
		Actual	Ар	Appropriated		January	JAN - AP	<b>Amended Prelim</b>	σ,	\$ (+/-)	(-/+) %
Education & Learning											
Natick Public Schools											
Total Natick Public Schools	\$	64,952,436	\$	67,810,346	\$	71,203,231	\$ (4,105,985)	\$ 67,097,246	\$	(713,100)	-1.05%
Keefe Tech											
Expenses (Assessment)	\$	1,594,984	\$	1,554,748	\$	1,601,390	\$ (266,992)	\$ 1,334,398	\$	(220,350)	-14.17%
Total Keefe Tech	\$	1,594,984	φ.	1,554,748	\$	1,601,390	\$ (266,992)	\$ 1,334,398	\$	(220,350)	-14.17%
Morse Institute Library											
Salaries & Expenses	\$	2,179,464	\$	2,357,551	\$	2,357,612	- \$	\$ 2,357,612	\$	61	0.00%
Total Morse Institute Library	\$	2,179,464	\$	2,357,551	\$	2,357,612	- \$	\$ 2,357,612	\$	61	%00.0
Bacon Free Library Salaries & Fxnenses	···	177.621	÷	190.792	÷	198,194	(15,888)	\$ 182.306	÷	(8.486)	-4.45%
Total Bacon Free Library	÷	177.621	Ş	190.792	Ş	+			Ş	(8.486)	-4.45%
Total Education & Learning	Ş	68,904,505	· 5	71,913,437	· s		(4.	70.	<b>S</b>	(941,875)	-1.31%
			.								
Public Safety		_		_						_	
Emergency Management Salaries	Ş	3,639	.v	2,000	Ş	2,000		\$ 5,000	٠	1	
Expenses	φ.	28,550	ς.	34,100		34,100		\$ 34,100	\$-	i	0.00%
Total Emergency Management	\$	32,189	\$	39,100	\$	39,100		\$ 39,100	\$		%00.0
Parking Enforcement	v	23.299	·	114.144	-01	114 144		\$ 114 144	v	1	%00 0
Expenses	٠.	88,166	٠.	104,833	٠.			\$ 104,833	٠.		0.00%
Total Parking Enforcement	÷	111,465	÷	218,977	÷	218,977	- \$	\$ 218,977	\$		0.00%
Police											
Salaries	ş	7,410,753	ş	7,329,967	ş	7,163,205	\$ 181,868	\$ 7,345,073	\$	15,106	0.21%
Expenses	\$	281,928	\$	304,813	\$	303,613	\$ (3,000)	\$ 300,613	\$	(4,200)	-1.38%
Total Police	\$	7,692,681	÷	7,634,780	÷	7,466,818	\$ 178,868	\$ 7,645,686	\$	10,906	0.14%
Fire											
Salaries	ς.	8,380,446	\$	8,630,721	ş	8,509,773	\$ 474,816	\$ 8,984,589	\$	353,868	4.10%
Expenses	\$	256,324	\$	278,725	\$	283,275			\$	4,550	1.63%
Total Fire	\$	8,636,770	\$	8,909,446	\$		\$ 474,816	\$ 9,267,864	\$	358,418	4.02%
Total Public Safety		16,473,105		16,802,303		16,517,943	653,684	\$ 17,171,627		369,324	2.20%

Public Works												
Salaries	ş	3,585,137	ş	3,951,855	\$ 4,041,259	-	\$ (85,268)		3,955,991	\$	4,136	0.10%
Expenses	Ŷ	2,200,296	ş	2,906,335	\$ 2,759,685		\$ 212,500	\$	2,972,185	\$	65,850	2.27%
Municipal Energy	⋄	1,491,457	φ.	1,505,038	\$ 1,513,100					\$	(61,938)	-4.12%
Snow & Ice	Ş	1,069,437	ş	550,000	\$ 550,000		- \$	\$	550,000	\$	•	0.00%
Total Public Works	\$	8,346,327	\$	8,913,228	\$ 8,864,044		\$ 57,232	\$	8,921,276	\$	8,048	%60.0
Community & Health Services												
Community Services												
Salaries	Ŷ	1,346,244	ş	1,481,702	\$ 1,481,600	009	0		1,481,600	\$	(102)	-0.01%
Expenses	\$	375,610	\$	557,664	\$ 524,358		\$ -	\$	524,358	\$ (	(33,306)	-5.97%
Total Community Services	\$	1,721,854	ş	2,039,366	\$ 2,005,958	_	0 \$	; \$	2,005,958	) \$	(33,408)	-1.64%
Board of Health												
Salaries	Ŷ	577,415	ş	587,254	\$ 593,823		- \$	\$	593,823	\$	6,569	1.12%
Expenses	\$	61,629	\$	87,000		87,000 \$	\$ (10,150)	\$	76,850		(10,150)	-11.67%
Total Board of Health	\$	639,044	\$	674,254	\$ 680,823		\$ (10,150)	\$	670,673	\$	(3,581)	-0.53%
Total Community & Health Services	\$	2,360,898	\$	2,713,620	\$ 2,686,781		\$ (10,150)	\$	2,676,631	\$	(36,989)	-1.36%
Administrative Support Services												
Board of Selectmen												
Salaries	Ŷ	936,132	Ş	1,039,307	\$ 1,039,081		\$ 100,440	ς.	1,139,521	\$ 1	100,214	9.64%
Expenses	⋄	315,025	\$	405,050	\$ 604,800		\$ (150,000)	\$	454,800	ş	49,750	12.28%
Contract Settlements			ş	1,317,419	\$ 1,100,000		(1,090,062)	\$	9,938		(1,307,481)	-99.25%
Total Board of Selectmen	\$	1,251,157	\$	2,761,776	\$ 2,743,881		\$ (1,139,622)	; \$	1,604,259	t'1) \$	(1,157,517)	-41.91%
Personnel Board												
Other Charges & Expenditures	\$	1	\$	1,000	\$ 1,	1,000		\$	1,000	\$	-	0.00%
Total Personnel Board	\$	ı	\$	1,000	\$ 1,	1,000		\$	1,000	\$		0.00%
<b>Town Report</b> Protessional Services	s	4,100	v	4,100	\$	4,100		s	4,100	s	ı	0.00%
Total Town Report	\$	4,100	ş	4,100	\$ 4,	4,100		\$	4,100	Ş		0.00%
Legal												
Expenses	\$	335,648	\$	512,100	\$ 400,000	000		\$	400,000	\$ (1	(112,100)	-21.89%
Total Legal Services	\$	335,648	\$	512,100	\$ 400,000	000		\$	400,000	\$ (1	(112,100)	-21.89%
Finance												
Salaries	\$	1,007,268	ş		Ĺ,		\$ 61,434			\$	090'9	0.52%
Expenses	\$	271,911	\$	422,330	\$ 422,330	330		\$	422,330	\$	-	0.00%
Total Finance	ş	1,279,179	÷	1,592,275	\$ 1,536,901		\$ 61,434	٠. ج	1,598,335	÷	090′9	0.38%

				•				٠				•
Information Technology												
Salaries	ᡐ	352,775	❖	415,138	ş	421,089	<u>٠</u>	(007,19)	\$ 359,889	\$ 68	(55,249)	-13.31%
Expenses	s	991,623	Ş	1,049,000	\$	1,160,000	\$		\$ 1,190,500	\$ 00	141,500	13.49%
Total Information Technology	\$	1,344,398	\$	1,464,138	\$	1,581,089	) <u>\$</u>	(30,700)	\$ 1,550,389	\$ 68	86,251	2.89%
Town Clerk												
Salaries	↔	265,230	❖	274,185	s	276,201	\$	1	\$ 276,201	21 \$	2,016	0.74%
Expenses	Ŷ	35,238	Ş	51,150	<b>ب</b>	52,350	\$	(2,000)		\$ 05	(3,800)	-7.43%
Total Town Clerk	ş	300,468	s	325,335	÷	328,551	÷	(2,000)	\$ 323,551	51 \$	(1,784)	-0.55%
Elections												
Salaries (Registrars)	Ŷ	58,188	\$	55,400	ς.	98,150			\$ 98,150	\$ 0S	42,750	77.17%
Expenses (Registrars)	Ŷ	43,220	ş	55,100	\$	55,500			\$ 55,500	\$ 00	400	0.73%
Total Elections	\$	101,408	\$	110,500	\$	153,650			\$ 153,650	\$ 05	43,150	39.05%
Sealer of Weights & Measures												
Salaries	ş	30,402	\$	30,400	\$	30,400			\$ 30,400	\$ 00	1	0.00%
Expenses	\$	890	\$	066	\$	990			\$ 95	\$ 066	1	0.00%
Total Sealer Weights/Meas.	\$	31,292	\$	31,390	\$	31,390			\$ 31,390	\$ 06	-	0.00%
Community & Economic Development												
Salaries	Ŷ	924,937	ş	881,756	Ş	882,545	\$	,	\$ 882,545	45 \$	789	0.09%
Expenses	\$	36,231	\$	81,700	\$	84,900	\$	(4,000)	\$ 80,900	\$ 00	(800)	-0.98%
Total Community & Economic Development	ş	961,168	\$	963,456	\$	967,445	\$	(4,000)	\$ 963,445	\$ \$t	(11)	0.00%
Total Admin. Support Services	\$	5,608,818	\$	7,766,070	\$	7,748,007	\$ (1,1	(1,117,888)	\$ 6,630,119	\$ 61	(1,135,951)	-14.63%
Commissions & Committees												
Finance Committee												
Expenses	\$	20,721	\$	37,800	\$	37,800	\$	(2,000)	\$ 32,800	\$ 00	(5,000)	-13.23%
Total Finance Committee	\$	20,721	\$	37,800	\$	37,800	\$	(2,000)	\$ 32,800	\$ 00	(2,000)	-13.23%
Commission on Dischillity												

Commissions & Committees										
Finance Committee										
Expenses	\$	20,721	\$	37,800	\$ 37,800	\$ (5,000)	\$ 32,800	) \$	(2,000)	-13.23%
Total Finance Committee	\$	20,721	\$	37,800	\$ 37,800	\$ (5,000)	\$ 32,800	i) \$	(2,000)	-13.23%
Commission on Disability										
Expenses	Ŷ	59	❖	750	\$ 750		\$ 750	\$		0.00%
Total Commission on Disability	\$	29	\$	750	\$ 750		\$ 750	\$	•	0.00%
Natick Cultural Council										
Expenses	\$	89	\$	200	\$ 700		\$ 700	\$	-	0.00%
Total Natick Cultural Council	\$	89	\$	200	\$ 200		\$ 700	\$	-	0.00%
Historical Commission										
Expenses	\$	62	\$	750	\$ 750		\$ 750	\$	-	0.00%
Total Historical Commission	\$	62	\$	750	\$ 750		\$ 750	\$	-	0.00%
Historic District Commission										
Expenses	\$	387	\$	550	\$ 550		\$ 550	\$	-	0.00%
Total Historic District Comm.	\$	387	\$	220	\$ 220		\$ 250	\$	•	0.00%
Affordable Housing Trust										
Expenses	\$	80,000	\$	80,000	\$ 80,000	- \$	\$ 80,000	\$	-	0.00%
Total Affordable Housing Trust	\$	80,000	\$	80,000	\$ 80,000	- \$	\$ 80,000	\$	-	0.00%
Total Commissions & Committees	\$	101,297	\$	120,550 \$	120,550	\$ (2,000)	\$ 115,550	;)	(2,000)	-4.15%

Shared Expenses (Unclassified)													
Employee Fringe								•				•	
Expenses	ş	14,870,773	\$	16,606,666	ş	16,825,904	ş	112,187	ς,	16,938,091	ş	331,425	2.00%
Merit & Performance	\$	47,750	\$	150,000	\$	300,000	\$	(300,000)	\$	-	\$	(150,000)	-100.00%
Total Employee Fringe	\$	14,918,523	\$	16,756,666	ş	17,125,904	\$	(187,813)	\$	16,938,091	\$	181,425	1.08%
Property & Liability Insurance			,										
Purchased Services	Ş	742,467	S	847,150	Ş	863,972			\$	863,972	\$	16,822	1.99%
Total Prop. & Liab. Insurance	\$	742,467	\$	847,150	\$	863,972			Ş	863,972	\$	16,822	1.99%
Contributory Retirement Pension Assessment	Ş	9,393,294	Ş	10,050,826	Ş	10,825,274			-	10,825,274		774,448	7.71%
Total Contributory Retirement	ş	9,393,294	\$	10,050,826	ş	10,825,274			÷	10,825,274	ş	774,448	7.71%
Non-Contributory Retirement													
Pensions	\$	17,593	\$	19,726	\$	18,121			\$	18,121	\$	(1,605)	-8.14%
Total Non-Contributory Retire.	\$	17,593	\$	19,726	\$	18,121			\$	18,121	\$	(1,605)	-8.14%
Debt Service													
Leased Equipment	ş	172,607	\$	151,778	<i>ې</i>	159,350	ş	1	<b>ب</b>	159,350	ş	7,572	4.99%
Leased Land	ş	3,900	\$	8,900	ş	9,500	ş		<b>ب</b>	9,500	ş	009	6.74%
Principal	ş	7,027,870	\$	9,907,161	\$	9,935,603	\$	(585,012)	\$	9,350,591	ş	(556,570)	-5.62%
Interest	\$	2,336,361	\$	6,558,893	\$	5,684,790	\$	(60,417)	\$	5,624,373	\$	(934,520)	-14.25%
Total Debt Service	\$	9,540,738	\$	16,626,732	\$	15,789,243	\$	(645,429)	: \$	15,143,814	\$	(1,482,918)	-8.92%
Reserve Fund													
Other Charges	\$	-	\$	250,000	\$	250,000			\$	250,000	\$		0.00%
Total Reserve Fund	\$	-	\$	250,000	ş	250,000			\$	250,000	\$	-	0.00%
Shared Expenses (Unclassified) (con't)													
Facilities Management													
Salaries	Ŷ	2,464,363	\$	2,819,501	ς,	2,942,890	\$	(92,066)	<b>ب</b>	2,847,824	ş	28,323	1.00%
Expenses	\$	459,563	\$	670,500	\$	704,500	\$	-	\$	704,500	\$	34,000	5.07%
Total Facilities Management	\$	2,923,926	\$	3,490,001	\$	3,647,390	\$	(990'56)	\$	3,552,324	\$	62,323	1.79%
Total Shared Expenses	\$	37,536,541	\$	48,041,101	\$	48,519,904	\$	(928,308)	, \$	47,591,596	\$	(449,505)	-0.94%
Total General Fund Operations	ş	139,331,491	ş	156,270,309	÷	159,817,656	\$ (5	(5,739,295)	\$ 1!	154,078,361	÷	(2,191,948)	-1.40%
					ı								

Reconciliation													
Total General Fund Operations	\$	139,331,491	\$	156,270,309	\$	159,817,656	\$	(5,739,295)	\$	154,078,361	\$	(2,191,948)	-1.40%
Other General Fund Appropriations													
Capital Equipment and Improvements	ş	2,973,950	ş	3,617,000	\$	1,861,500	\$	-	\$	1,861,500	\$	(1,755,500)	-48.53%
School Bus Subsidy	⋄	402,095	ş	410,137	ş	421,416	Ŷ	,	Ş	421,416	Ŷ	11,279	2.75%
Misc. Articles	Ŷ	396,622	ş	112,000	ς,	100,000	\$	(100,000)	ς,	1	Ş	(112,000)	-100.00%
Golf Course Deficit	Ş	240,000	ş	240,000	\$	240,000	Ş	,	\$	240,000	Ş	1	0.00%
General Stabilization Fund	Ŷ	250,000	ş	250,000	ς.	250,000	Ş	(250,000)			Ş	(250,000)	-100.00%
Capital Stabilization Fund	Ş	2,400,000	\$	1,519,347	ş	1,500,000	Ş	(1,500,000)			Ş	(1,519,347)	-100.00%
Operational Stabilization Fund	Ş	500,000	\$	250,000	ş	250,000	Ş	(250,000)			Ş	(250,000)	-100.00%
One-to-One Tech StabilizationFund	Ŷ	1	\$	1	\$	1	Ş	,	\$	1	Ş	1	0.00%
FAR Bonus Stabilization Fund	Ş	1	ş	1	<b>ب</b>	1	Ş	,	\$	1	Ş	1	0.00%
OPEB Trust Fund	Ş	441,723	ş	375,639	ς,	400,000	ς,	(400,000)			Ş	(375,639)	-100.00%
Total Other G/F Appropriations	Ş	7,604,390	Ş	6,774,123	\$	5,022,916	\$	(2,500,000)	\$	2,522,916	\$	(4,251,207)	-62.76%
Other General Fund Expenses (Not appropriated by Town Meeting	d by T	own Meeting)											
State & County Assessments	\$	1,507,563	\$	1,504,841	\$	1,416,751			\$	1,416,751	\$	(88,090)	-5.85%
Cherry Sheet Offsets	Ş	468,705	ş	359,312	<b>ب</b>	320,913			\$	320,913	Ş	(38,399)	-10.69%
Snow Removal Supplement	Ŷ	717,717	ς.	525,565	\$	350,000			\$	350,000	ş	(175,565)	-33.41%
Overlay	\$	1,591,768	\$	1,150,000	\$	1,150,000			\$	1,150,000	\$	1	0.00%
Total Other G/F Expenses	\$	4,285,753	ş	3,539,718	\$	3,237,664	\$	•	Ş	3,237,664	\$	(302,054)	-8.53%
Total General Fund	s	\$ 151,221,634 \$ 166,584,150 \$ 168,078,236	\$	166,584,150	\$	168,078,236	s	(8,239,295)	s	159,838,941	\$	(6,745,209)	-4.05%

Marginal Revenue Spending	g Plan by A	rtic	cle		
Revenue Update					
Original State Aid Budget Assumption	(	<b>;</b>	11,951,055		
State Aid Update (post SATM 20)	3	\$	15,021,819		
Available State Aid	Ş	\$	3,070,764		
Expense Articles					
Article 1: FY21 Omnibus Budget	Ç	\$	251,093		
Article 2: Town Meeting Funding	Ç	\$	50,000		
Article 7: OPEB	3	\$	250,000		
	Total \$	\$	551,093		
Net Available State Aid	Ş	\$	2,519,671		

Town of Natick	Financial Indicators	Farm Veer Designation
4		1

Four -Year Projection

Operational Forecast

Four -Year Projection					
	2022	2023	2024	2025	Comments
	Forecast	Forecast	Forecast	Forecast	
General Fund Revenues	=	=	_		
1 Tax Levy	129,621,274	133,229,327	137,079,567	140,737,073 2	140,737,073 2.5% Levy, \$700k - \$850k New Growth, plus debt exclusions
2 State Aid	13,519,637	13,925,226	14,342,983	14,773,272 #	14,773,272 Assumes 10% decline in FY22 with 3% annual increases after
3 Local Receipts	13,070,950	13,463,079	13,866,971	14,282,980	14,282,980 Assumes 3% growth annually
4 Other Local Receipts					
5 Indirects	2,663,368	2,703,318	2,743,868	2,785,026	2,785,026 Dependent on GF operating budget assuming 1.5%
6 Free Cash				Z	Zeroed out for operational analysis
7 Stabilization Fund				Z	Zeroed out for operational analysis
8 Overlay Surplus	200,000	200,000	200,000	200,000	500,000 Can change based on ATB liabilities
9 Other Available Funds	273,992	266,614	257,110	131,949 в	131,949 Parking Meter Receipts, Other State Remb., Bond Premiums for HS/CSC
Total General Fund Revenues	159,649,220	164,087,564	168,790,498	173,210,301	
General Fund Expenses					
	27	200	0.00		
	69,110,163	71,183,468	73,318,972	75,518,541	75,518,541 Assumes over 60% of Gen. Fund ops. Less shared
12 Keefe Tech	1,334,398	1,367,758	1,401,952	1,437,001	1,437,001 Assumes 2.5% of increase
13 Morse Institute Library	2,347,603	2,389,469	2,423,674	2,466,456	2,466,456 Assumes Avg increase of 1.7%
14 Bacon Free Library	132,445	134,244	136,080	137,952	137,952 Assumes Avg increase of 1.4%
15 Public Safety	17,634,302	18,009,523	18,361,262	18,711,549	18,711,549 Assumes Avg increase of 2.0%
16 Public Works	9,046,194	9,190,852	9,332,984	9,476,313	<b>9,476,313</b> Assumes Avg increase of 1.6%
17 Health & Human Services	2,579,580	2,623,334	2,656,318	2,693,465	2,693,465 Assumes Avg increase of 1.5%
	6,642,906	6,742,478	6,855,076	7,002,444	7,002,444 Assumes Avg increase of 1.8% (CBA line has been distributed)
Committees	115.500	115,500	115.500	115,500	115.500 Assumes level funding
20 Shared Expenses					D
21 Fringe Renefits	16.924.233	17,093,475	17.264.410	17,437,054	17 437.054 Assumes 1% increases (will vary dependent uron plan changes)
	907,171	952.529	1.000.156	1.050.163	1.050.163 Assumes Ava Increase of 5%
	11 691 296	12 509 687	13 385 365	14 322 340	14 322 340 Assumes 7% increases less Non-Contributory Retirement
	15,031,250	15,303,087	15,016,746	14,322,340	14,522,540 Assaultes 7.0 increases less non-contributory neurement
	000 030	750,757	250,000	13,613,622	OIS,OZZ posed of capital plan debt service soliedure
	250,000	200,000	230,000	2 986 236	250,000 Level-ruilded 2 086 236 Anguing 2 30, ingging
	171,00,10	C2C,+20,c	100,400,0	ין טבביטטביב	ASSUMES 2.2.70 INCLEASE
General Fund Oper. Expenses	157,777,270	162,111,250	166,422,591	170,418,936	
26 Capital Improvements				Z	Zeroed out for operational analysis
27 School Bus Transportation	431,951	442,750	453,819	465,164	465,164 Assumes 2.5% annual increase
28 State & County Assessments	1,358,293	1,371,876	1,385,595	1,399,451	1,399,451 Assumes 1% annual increase
29 Cherry Sheet Offsets	324,122	327,363	330,637	333,943	333,943 Assumes 1% annual increase
31 Snow Removal Supplement	450,000	450,000	450,000	450,000	450,000 Assumes Snow & Ice costs of \$1M
32 Overlay	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000 Varies dependent upon valuations, revaluation years
33 Golf Course Deficit	245,000	245,000	245,000	245,000	245,000 Assumes level funding
34 General Stablization Fund				Z	Zeroed out for operational analysis
35 Operational Stabilization Fund				Z	Zeroed out for operational analysis
36 Capital Stabilization Fund				Z	Zeroed out for operational analysis
37 OPEB Trust				Z	Zeroed out for operational analysis
38 Misc. Articles				Z	Zeroed out for operational analysis
Total General Fund Expenses	161,586,637	165,948,240	170,287,642	174,312,495	
Net Excess / (Deficit)	-1,937,417	-1,860,676	-1,497,144	-1,102,195	
	, ,-				

# NATICK TOWN MEETING MOTION FORM

I	of Precinct, Natick hereby move to
	the Main Motion under Article # of the current town meeting
Warrant as follows:	
Move that the Town vote to _	
Cianatura	
Signature	
Seconded	
	Vote Declared By:
Pageof	Vote:
Date:	

An editable PDF of the Town Meeting Motion Form can be found at:

https://www.natickma.gov/DocumentCenter/View/8048/Town-Meeting-Motion-Form

# ARTICLE 1 AMEND ZONING BY-LAWS: Amendment to Zoning Map – Downtown Mixed Use (DM) District (Select Board)

# ARTICLE LANGUAGE

To see if the Town will vote to change the following parcel from the Residential General (RG) Zoning District to the Downtown Mixed Use (DM) Zoning District:

Assessors Map 44 Lot 180, known as 45 East Central Street, as shown on the plan on file with the Community and Economic Development Office and the Town Clerk's Office

or otherwise act thereon.

### PURPOSE OF THE ARTICLE

To extend the Downtown Mixed Use (DM) zoning district by one block (to the east) to include the proposed parcel (see map) in order to promote redevelopment of this site with new commercial/retail/restaurant space and upper floor residential, including deed-restricted affordable housing.

# FINANCE COMMITTEE RECOMMENDATION

The Finance Committee took the	RECOMMENDATION:	Favorable Action
	QUANTUM OF VOTE:	13-0-0
following action:	DATE VOTED:	September 17, 2020

# **MOTION** (Requires a 2/3 Vote)

MOVE to amend the Town of Natick Zoning Map, as referenced in the Town of Natick Zoning By-Law under Section II-B Location of Districts (Zones) subsection 1, by rezoning from General Residence (RG) District to Downtown Mixed Use (DM) District the following property:

Town of Natick Assessors' Map 44, Lot 180; including approximately to the center line of East Central Street to the north.

### FINANCE COMMITTEE PUBLIC HEARING AND DISCUSSION

The Finance Committee met to discuss Article 1 at a meeting on September 17, 2020 and debated Articles 1 and 20 concurrently.

Mr. Michael Hickey, Select Board member (Select Board is sponsor of Article 1) said Article 1 proposes to extend the downtown mixed use (DM) zone by one block to the east from where it currently ends to include the front parcel of the former St. Patrick's school site on East Central Street.



Town of Natick Assessors' Map 44, Lot 180

In early winter 2020, a development agreement between the Select Board and the developer resulted from extensive conversations, discussion and concept plans, and outreach from the property owner (Stonegate) to the neighborhood and involved Community and Economic Development (CED) staff. When presented to the Select Board as a concept of entering into a development agreement, the Select Board focused on being attentive to the neighborhood concerns and needs. The board found enthusiasm and receptiveness to this DM extension concept that made it clear there was real opportunity here. Mr. Hickey said that this is just the beginning of the process and said this is great project a for the town from creating affordable housing units, to cleaning up a blighted site, to delivering an attractive mixed-use site with both residential and affordable housing components, first floor retail/restaurant uses that are consistent with the vibrant downtown that we're looking to promote. The Master Plan was referenced and this Article is supported by both Natick Center Associates and the Economic Development Committee who both supported it unanimously, and the Planning Board voted 4-1 to support it.

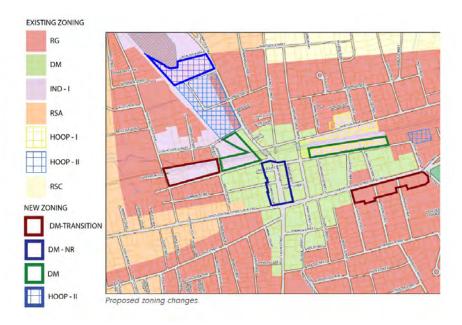
Mr. Hickey addressed a couple "mischaracterizations":

- No neighbor outreach the neighborhood has been actively involved, and the most direct abutter has spoken in favor of this article about the Planning Board and the Finance Committee.
- The intention of Article 1 is to extend the DM zone. Article 1 is consistent with the spirit of the Natick 2030+ Master Plan because that plan envisions a transitional DM zone further to the east from where it currently ends right across the street from this site. Article 1 is completely consistent with the Master Plan since it only modifies the front parcel along East Central Street, consistent with the Master Plan. The entire north side of East Central Street is zoned DM except for the actual church properties. The reason for the transition is to be respectful to the neighborhood to the rear, further south down Lincoln Street and Wilson Street. Article 1 affects one parcel the St. Patrick's school parcel. The other three parcels that are part of the overall former church site and now owned by Stonegate remain zoned residential. Article 20 would subject all these properties to an overlay.
- There was a discussion in March with Stonegate and Stonegate is fully committed to this project and supports Article 1.

Mr. Rick Jennett, Member, Select Board asked to address the comments about the Select Board negotiation with the developer "behind closed doors". Mr. Jennett said one focus area of the discussion was the request for a higher percentage of affordable housing than would typically be done on this type of project and the developer agreed to do that. Mr. Jennett noted that when they presented Article 1 to the Planning Board, they emphasized the collaborative atmosphere between Planning Board and ZBA who are in charge of the special permit process in this case and some Planning Board members were concerned that they would not be involved because they have the best site plan review group, and were assured that the Select Board would work to ensure that the Planning Board would be a key participant in the review of this project. Mr. Hickey noted the Select Board negotiated the development agreement in executive session because it pertained to matters of real property. As soon as we reached agreement a memo was sent to the Chairs of every committee in town and a letter was sent to all the neighbors advising them of the open house.

# **Questions from the Committee**

A member asked for the exact location of the front parcel and a map from the Master Plan was shared:



Mr. Hickey said the Master Plan viewed this as the beginning of a transitional DM zone that would go all the way to the intersection of Union Street and Marion Street and East Central Street. Article 1 includes just the parcel outlined between Lincoln and Wilson.

A member asked what the distinction is between DM transition and DM. Mr. Hickey said the existing. Mr. Hickey said he cannot speak to the finer points of what DM transition means but that is not what is proposed in Article 1 which proposes to extend the DM zone everyone knows and understands and extend it one block to the east on a site that is fully built-out with a large vacant school.

A member asked if another article changes the parameters on what is allowed in DM so if this is reclassified as DM use. Mr. Hickey confirmed that the changes would be subject to the bylaws of the DM zone and noted that the binding development agreement recorded with the Registry of Deeds and includes a concept plan that sets parameters for density, placement and parking, as well as commitments on affordable housing.

A member asked what the minimum setback on East Central Street is. Mr. Hickey said the minimum setback on East Central Street would be the DM setback and the conceptual plan has a 15 foot setback on the long facade of the front of the building with some bump outs that look like they might be close to 10 feet at the corners of both intersections, and that excludes sidewalks and parking. This conceptual plan is attached to the development agreement and is available to the public.

A member asked for more details about the public outreach and whether there are neighbors who are opposed to Article 1. Mr. Hickey said the public outreach meeting was very well-attended by neighbors and representatives from Stonegate, the CED office, Select Board and Town Administration were present. This should not have come as a surprise to the neighbors because they had been discussing concepts and moving forward and the vision for this site, not only with the developer, but with the neighbors and the neighbors are very supportive of the project.

A member asked whether the Select Board considered expanding the DM zone to Union Street as it is on the other side of East Central Street. Mr. Hickey said the Select Board had not considered doing anything beyond this negotiated agreement with this property owner. The Select Board has no interest in considering an extension or rezoning of any of the other properties. An extension of the DM transition or the DM itself is more the purview of the Planning Board and Town Meeting.

A member asked whether an overlay district could allow the first floor to be retail. Mr. Hickey said it is possible to do that, but declined to speak for the sponsor of Article 20.

A member asked whether neighbors would have input during the ZBA review of the project. Mr. Hickey said he spent a decade on the ZBA and noted that reviewing unfriendly 40B cases (South Natick Hills, Chrysler Road) in the ZBA took nearly a year, with extensive public and abutter and sister board input. Mr. Hickey said a friendly 40B should not take as long, but it requires legal notice to all of the abutters who will be notified prior to a ZBA hearing. Mr. Hickey emphasized that this is the first step in a long process – this requires Town Meeting approval, approval by the Mass. Legislature before it gets in front of the ZBA and we will encourage other boards, notably, the Planning Board to participate in the review process.

# **Public Comments**

Miss Lindsey Galvao, Resident, 8 Lincoln St.

Ms. Galvao said her home directly about the Stonegate property and stated that she is a fervent supporter of Article 1 and noted that the neighbors have been very involved in the shaping of this project over the past few years. We're very excited about what this proposal does for the neighborhood in terms of the transition from downtown, and the townhouses on the back half of the property behind East Central Street. will blend very nicely into the residential neighborhood. We recognize that we do live in downtown Natick and are excited to have the mixed-use property and perhaps have commercial restaurants and revitalize downtown. Ms. Galvao has major reservations about Article 20 – this has been going on for five years and does not want see this delayed another several years. The condition of the building is dilapidated and unsafe, and is a public safety hazard and we see trespassing. The Select Board and the developer have done a wonderful job meeting the needs of several different constituencies through this project.

Mr. Julian Munnich (sponsor of Article 20) said some members have spoken about the additional properties that belong to Stonegate and the overlay district in Article 20 addresses those. It's important to note that the proposal for rezoning DM doesn't exist in a vacuum. There is a development agreement, there is a concept plan and it includes townhouses on those parcels in the back. However, the mechanism is a contracted, pre-ordained 40B. Article 20 overtly captures those RG lots and puts them into an overlay district that allows for townhouses and makes that subject to a fully open public hearing process and something negotiable. And, the setback from abutters, such as Ms. Galvao's property is larger under the overlay proposal. Article 20 has signatories from neighbors of this property and everything that is touted as a benefit of Article 1 can also occur under Article 20, with the added benefit of site plan review and public hearings that are not pre-ordained. And if the neighborhood doesn't like the outcome, they have standing to pursue the issue in land court.

Mr. Steve Levinsky said Natick Center Associates has worked for years with the CED staff, Planning Board, Select Board, and Town Administrator on all the DM articles the Planning Board and Select Board have brought forward. We invited landlords and business owners to our latest NCA meeting and it was our most well-attended meeting ever and we enthusiastically, without reservation support Articles 1-8.

Mr. Scott Laughlin. Chair, Economic Development Committee (EDC) reiterated his support for Articles 1-8 and pointed out that the status quo does not work well for Natick. And the majority of what doesn't work is the unpredictability of the process. The Town needs to make improvements. One of the things that's lost here is the Town is not giving up control, simply making it easier for good things to happen. There's still oversight and review that will stop things that we don't want from happening.

# **Letters of Support**



Natick Center Cultural District 8 Court Street Natick, MA 01760 508.650.8848 www.natickcenter.org

September 17, 2020

Linda Wollschlager, Chair, Finance Committee 13 East Central St. Natick, MA 01760

RE: Fall Annual Town Meeting Articles

Dear Ms. Wollschlager and Finance Committee,

The Natick Center Associates (NCA) Board of Directors held their monthly Board Meeting yesterday which included a discussion regarding articles specifically related to Natick Center. We invited property and business owners and other key stakeholders to join our meeting. In addition to Board members, it was the best-attended meeting we have ever had, which clearly indicates the level of interest in these articles. NCA and the Town's Community and Economic Development teams have worked closely on these issues for several years. We are excited to see these articles (Articles 1-8) being presented to Town Meeting for consideration. These commonsense articles will help encourage continued investment in Natick Center for the betterment of the entire town. We voted to fully support Fall Town Meeting warrant articles 1 through 8.

The NCA Board voted not to support article 25. Our discussion centered around these themes:

- Over the last 20 years, we have had countless studies around Natick Center, including the most recent 2030 Comprehensive plan. All the studies have produced similar themes. We are ready to move forward and feel that we do not need yet one more study.
- The study group creates or at least gives the appearance of a shadow body to the Planning Board and Zoning Board of Appeals. This will create confusion. The Planning Board is an elected, experienced, and competent. There is not a need for another body.
- The committee structure, as we read the article, is composed of Town Meeting members, and excludes critical stakeholders, including building and business owners.
- This body will stall the momentum we have gained and stop positive change.

Thank you for considering our input, and please reach out if you have any additional questions.

Sincerely,

Arthur B. Fair, III, President Natick Center Associates <u>abf@fyins.com</u>



# COMMUNITY AND ECONOMIC DEVELOPMENT

BUILDING

PLANNING

ZONING

CONSERVATION

### MEMORANDUM

To: Linda Wollschlager, Chair, Finance Committee

From: Scott Laughlin, Chair, Economic Development Committee

CC: James Freas, Director of Community and Economic Development

Rick Jennett, Selectmen Representative, Economic Development Committee

Date: 17 September 2020

RE: Fall Annual Town Meeting Articles

On behalf of the Economic Development Committee (EDC), I am writing to express our full and unanimous support of Articles 1, 3, 4, 5, 6, 7, and 8 of the warrant for the Fall Annual Town Meeting scheduled for October 20, 2020.

Collectively, these articles will bring long overdue modifications to our Zoning By-Law that will encourage appropriate investment in Natick Center. In many respects, the articles will achieve a "Back to the Future" environment for our downtown where its defining characteristics can be preserved and replicated to modern forms of building while also enhancing the walkability of Main Street and the surrounding district and increasing accessibility and usage of our civic spaces. The articles also encourage development in an area where density already exists, making more efficient use of our public infrastructure. Most importantly, the articles capitalize on

the proximity to the MBTA Natick Center Station and the rail trail and recognize the ongoing shift to non-automobile modes of travel by incorporating realistic and flexible parking standards that meet the modern demands of the market. These articles will be the catalyst to attract new investment that will bring vitality to Natick Center in support of existing businesses and will expand the commercial tax base as we emerge from these challenging economic and fiscal times as a community.

Conversely, the EDC does not support Articles 20 and 21. Specifically, Article 20 creates an unnecessarily complicated overlay district that appears to engineer and codify a specific development program and project for a specific site near downtown. The EDC believes that development of the site in question should be evaluated based on current zoning or as a future extension of the DMU district and not by a prescriptive one-time action of Town Meeting. We do not support the creation of another overlay district that introduces more complexity to an already overly-complicated Zoning By-Law. Likewise, the EDC does not support Article 21 because it aims to require more parking in the downtown than is necessary to meet market demands and provides highly-subjective and inflexible criteria for any deviation from the standards. Article 6 is a far superior way of modernizing our parking requirements for Natick Center. Moreover, Article 21 seeks to reinstate a density cap for multi-family dwellings in the DMU district where a very similar cap was just recently removed by Town Meeting action. The EDC believes a density cap in the DMU district will arbitrarily inhibit the vitality of downtown Natick and suppress the full potential of an expanded commercial tax base to the detriment of residential taxpayers.

In a post-pandemic world, communities like Natick are poised to benefit from a renewed interest in vibrant, walkable downtowns. We commend the Planning Board and its professional staff for bringing Articles 1, 3, 4, 5, 6, 7, and 8 forward to Town Meeting and we support their adoption.

~~ END OF ARTICLE ~~

### **ARTICLE 2**

Home Rule Petition: Authorization to Issue (1) On Premises Alcoholic Beverages License for 45
East Central Street, Natick, Massachusetts
(Select Board)

# ARTICLE LANGUAGE

To see if the Town will vote to authorize the Select Board to petition the General Court of the Commonwealth to enact special legislation, notwithstanding the provisions of Section 17 of Chapter 138 of the Massachusetts General Laws, or any other general or special law to the contrary, authorizing the Town to issue (1) license for the sale of alcoholic beverages to be drunk on the premises, for the property located at 45 East Central Street, Natick, Massachusetts, provided that the General Court may reasonably vary the form and substance of the requested legislation within the scope of the general public objectives of the petition; or otherwise act thereon.

### PURPOSE OF THE ARTICLE

Article 2 is a home rule petition to authorize the issuance of an on premises alcoholic beverage license to 45 East Central Street for the purpose of encouraging mixed-use development on that site.

### FINANCE COMMITTEE RECOMMENDATION

The Finance Committee took the	RECOMMENDATION:	Favorable Action
	QUANTUM OF VOTE:	11-1-0
following action:	DATE VOTED:	September 17, 2020

# **MOTION** (Requires a Majority Vote)

MOVE That the Town authorize the Board of Selectmen to file a Home Rule Petition with the General Court for a special law authorizing the Town to grant an additional license for the sale of alcoholic beverages to be drunk on the premises for the property located at 45 East Central Street, Natick. The proposed Special Act would read as follows: AN ACT AUTHORIZING THE TOWN OF NATICK TO GRANT AN ADDITIONAL LICENSE FOR THE SALE OF ALCOHOLIC BEVERAGES TO BE DRUNK ON THE PREMISES AT 45 EAST CENTRAL STREET SECTION 1. (a) Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the town of Natick may grant 1 additional license for the sale of alcoholic beverages to be drunk on the premises pursuant to section 12 of said chapter 138. (b) Said license shall be limited to the property located at 45 East Central Street, Natick. The license shall be subject to all of said chapter 138 except said section 17. (c) The licensing authority of the town of Natick shall not approve the transfer of the license granted pursuant to this act to any other location but it may grant a license to any applicant at the same location if the applicant files

with the licensing authority a letter from the department of revenue and a letter from the department of unemployment assistance indicating that the license is in good standing with those departments and that all applicable taxes, fees and contributions have been paid. (d) If a license granted pursuant to this act is cancelled, revoked or no longer in use at the location of original issuance, it shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority and the licensing authority may then grant the license to a new applicant at the same location under the same conditions as specified in this act. SECTION 2. This act shall take effect upon its passage and that the Board may make modifications and changes which do not affect the substance of the Act.

#### FINANCE COMMITTEE PUBLIC HEARING AND DISCUSSION

The Finance Committee met to discuss Article 2 at a meeting on September 17, 2020 and voted to recommend Favorable Action by a 11-1-0 vote.

Presenters: Michael Hickey, Select Board and Rick Jennett, Select Board

Article 2 is a home rule petition to authorize the issuance of an on-premises Alcoholic Beverage license for 45 East Central Street. This is part of the agreement that we have with Stonegate for the development of this property. We're asking Town Meeting to approve a home rule petition to allow the Select Board to provide a site-specific liquor license. The Select Board has granted this type of license before, for example, to The Center for Arts in Natick (TCAN). It means this license is nontransferable should a tenant at this location moved to another location within town - the town has complete control over the license. A home-rule petition must first be approved by Town Meeting, then be approved by the Mass. General Court. The intent is to give the developer the flexibility of adding retail or restaurant on the ground floor. Having a liquor license could provide incentive for a restaurant to lease the space in this new building mixed-use development. Article 2 is a complementary part of the Stonegate development agreement, along with Article 1.

A member asked whether this license could be used for either a restaurant or a bar. Mr. Jennett said it allows the licensee to serve alcoholic beverage on-premises. Mr. Freas, CED Director, said the allowed uses within the town, particularly within the DM district, only have restaurant listed and bars, per se, are not an allowed use under zoning.

A member asked what would happen if there were multiple restaurants at 45 East Central Street. Mr. Jennett said the second restaurant could apply for another home rule petition for a liquor license, if required and the Select Board would evaluate whether to provide a second site-specific license and would again need to get Town Meeting and Mass. General Court approval. Mr. Hickey also noted that a second restaurant or food establishment may not need a liquor license.

#### **Public Comments**

Mr. Frank Foss noted that he could not recall an instance when the Town granted a license without knowing the licensee. He noted that when the town petitioned for off-premises wine-and-beer licenses

for Tilly and Salvy's and TCAN, Natick petitioned the Mass. General Court for permission to grant those additional licenses. This situation is different because you are not identifying the licensee, but notifying a business that the town is amenable to granting a liquor license to this specific site. Mr. Foss requested that the Finance Committee and Select Board should have Town Counsel take a good hard look at this question. Mr. Hickey said Town Counsel extensively reviewed this – both Ms. Karis North and Mr. David DeLuca who is Counsel's expert on alcohol and liquor licensing law. Mr. Hickey said the Section 1 Article 2, the Home Rule Petition states "SECTION 1. (a) Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the town of Natick may grant one additional license for the sale of alcoholic beverages to be drunk on the premises pursuant to section 12 of said chapter 138". This is specifically tied to this property and we can only issue the license to that location based on the specific parameters of this home rule petition; the applicants would have to come before the Select Board and identify themselves as the renter of the 45 East Central Street property and apply for this license. The Select Board would then subject them to the normal process under which a liquor license is issued.

A member asked what the exception of MGL c. 138 §17 is. Mr. Hickey said MGL c. 138 §17 is the quota of licenses for a given municipality based on its population, so this section means this he homerule petition is not tied to our general quota.

Mr. Julian Munnich asked whether the license has an absolute value whereby the Assessor could assign a higher assessment to that property since it is a unique asset that is not available to other comparable properties Mr. Jennett said the assessed value would be determined on the type of restaurant (beer-and-wine versus a higher-end restaurant) and the success of the restaurant at this location. Mr. Jennett emphasized that there will be an increase in assessed value providing new property tax growth as well as increased local option tax.

A member asked why the Select Board is requesting one license and not two licenses, since the Select Board controls the inventory of these licenses through a home-rule petition process. Mr. Hickey said the developer felt one license was necessary to attract a restaurant to this site and that is all that has been discussed.

A member asked whether issuing a site-specific liquor license does or doesn't affect competition among landlords. Mr. Hickey asked if Mr. Sean McGrath, Manager, Stonegate Group could speak to the nature of the business relationship between the property owner and prospective tenants. Mr. McGrath said site-specific licenses are used commonly in the city of Boston to attract a better grade of restaurant that, otherwise, could not afford the up-front cost of the license. It also ensures that the facility will remain a restaurant in perpetuity in that it won't be a license that is purchased elsewhere and brought to this location. If the restaurant opts to relocate, this license is non-transferable and remains with this specific property.

## ARTICLE 3 AMEND ZONING BYLAWS: Setbacks in Downtown Mixed Use (DM) District (Select Board)

#### ARTICLE LANGUAGE

To see if the Town of Natick will vote to amend Natick Zoning By-Laws with regard to the front setback requirements in Natick Center by modifying section III-E.3 (Dimensional and Density Requirements)

Or otherwise act thereon.

#### PURPOSE OF THE ARTICLE

To offer a greater degree of flexibility for the Planning Board to work with an applicant in the downtown district to set the front setback line for a project consistent with the objectives of the Natick 2030+ Comprehensive Plan.

#### FINANCE COMMITTEE RECOMMENDATION

The Finance Committee took the following action:	RECOMMENDATION:	Favorable Action
	QUANTUM OF VOTE:	8-3-0
	DATE VOTED:	September 22, 2020

#### **MOTION** (Requires a 2/3 Vote)

Move to amend Section III-E Downtown Mixed Use District of the Natick Zoning Bylaws by the following:

#### **Section 3. Dimensional and Density Requirements**

In subsection b – Minimum Yard Dimensions, re-organize the existing text into sections and, in the first section "Front Yard", replace, the words "if less, the smallest front yard existing on any abutting lot having frontage on the same side of the same street, upon the issuance of a Special Permit by the SPGA based on a finding that such lesser setback will not be detrimental to the neighborhood" with the words "any lesser amount by special permit provided that the SPGA finds that the following criteria have been met: i. Adequate sidewalk width is available to support the anticipated level of activity and usage; ii. the placement of the building is generally consistent

with that of other buildings on the streets; and iii. the placement of the building supports a walkable pedestrian area" so that the section now reads:

- **b. Minimum Yard Dimensions:** 
  - 1. Front Yard fifteen (15) feet or any lesser amount by special permit provided that the SPGA finds that the following criteria have been met:
    - i. Adequate sidewalk width is available to support the anticipated level of activity and usage;
    - ii. the placement of the building is generally consistent with that of other buildings on the street; and
    - iii. the placement of the building supports a walkable pedestrian area.
  - 2. Side Yard ten (10) feet where premises abut a residential district, otherwise none required.
  - 3. Rear yard Twenty (20) feet.

#### FINANCE COMMITTEE PUBLIC HEARING AND DISCUSSION

The Finance Committee met to discuss Article 3 at a meeting on September 22, 2020 and voted to recommend Favorable Action by an 8-3-0 vote.

The Committee discussed all the Downtown Mixed Use articles (Articles 3, 5, 6, 8 & 21) before taking votes on individual articles.

Mr. James Freas, Director, Director of Community Economic Development (CED) said he was representing the Planning Board and Select Board on the Articles pertaining to downtown Natick and specifically the potential amendments to the downtown mixed (DM) use district.

Mr. Freas provided an overview of these Articles:

It's well recognized that downtown Natick is a key element of the town. The Natick 2030+ comprehensive plan has clear direction to support investment and development downtown in support of broader housing, economic development, transportation and environmental goals of the entire town. We recognize the design, quality, the walkability as things that make downtown Natick a desirable place and is derived from its historic character.

However, downtown Natick was built before zoning and could never be built under our existing zoning bylaws due to the uniqueness of the lot sizes and shapes and the buildings reflect that historic development sit uncomfortably, at best, under the rigid constraints of our current zoning bylaws. These Articles support investment consistent with the Master Plan – to support re-use of existing buildings, new businesses, and best utilize existing spaces to support new development. Each of the proposed articles introduces a degree of flexibility that recognizes that historic character and provides the "wiggle room" for the Planning Board to be able to work with an applicant to fine-tune their application to fit

into downtown and our objectives for what the town wishes to accomplish there. Ms. Terri Evans, Chair, Planning Board added that the best way to think of these Articles is to think of them as pieces in the in the puzzle that fit very nicely.

The Finance Committee Chair stated that Article 3 was approved by the Planning Board 4-1-0.

Mr. Freas said Article 3 addresses front setbacks within the downtown mixed (DM) use district. Under the existing bylaw, a development project essentially has two choices: 1) a standard setback of the 15 feet, which is a minimum setback for properties., or 2) If there's a neighboring property with a closer setback, the Planning Board may issue a Special Permit to allow the project to match that setback. The challenge though, is that there's a much greater degree of diversity in lots and in buildings downtown, than can be reflected in those two choices.

Most recently, during our experience with the 1 South Main project, we realized that where it was desirable to have a shorter setback than allowed under the 15 foot minimum rule, the neighboring properties didn't afford us the option presented under the bylaw. Ultimately, we had to go to the Zoning Board of Appeals (ZBA) to get a Section 6 finding (a waiver) to get to the setback needed to accomplish the goals for downtown in terms of walkability and in terms of placement of buildings to match the character of downtown in order to address the variability downtown.

Article 3 proposes to allow the Special Permit Granting Authority (Planning Board), by Special Permit, to allow any setback less than 15 feet as long as the proponent is able to identify and meet a set of criteria that are identified in the Article – to meet the general setbacks of neighboring buildings on the same street. This also allows a building to be set back slightly from the street to accommodate a plaza or some park space that, in turn, can accommodate seating areas, outdoor dining areas or other uses that might be desired by the building owner or the Planning Board in the future.

The big idea here is gaining the flexibility to meet more of our goals for downtown and to better match the character of downtown Natick as it exists today. Mr. Freas said the goal is to introduce a greater degree of flexibility so the Planning Board can work with applicants to identify the optimal front setback given the circumstances of a particular piece of property, whether creating new space for seating areas or to ensure that the building can be placed in its optimal location, given the design objectives of the town and the adjoining buildings.

#### **Questions from the Committee**

A member asked how reducing setback increases walkability. Mr. Freas said it's well-understood among architects, urban designers, and planners who study the psychology of the built environment that the most walkable streets are those with a continuous walkway. People are attracted to and feel safer walking in a place that has that a continuous street wall and the sense of enclosure that brings. The second aspect is, particularly in a retail environment, a continuous street wall that has storefronts, windows, entryways that engage the pedestrian in that streetscape gives them a sense of interest in those

storefronts and what's happening in that space. As buildings are set back further from the street, you lose that connection and it is less walkable.

A member asked why this Article is needed except for the 1 South Main Street project. Mr. Freas said the reason he gave is exactly why siting the 1 South Main Street building closer to the street makes sense. Having that building set forward, directly addressing the street and aligning with the buildings across Pond Street and West Central Street is exactly our intention.

A member asked what the difficulty is in going to the ZBA to make the setback change. Mr. Freas said that is a great question to ask investors and developers who have to pay for all those additional meetings and pay for that additional time. Having to go to the ZBA interrupts the Planning Board's process and cost the developer at least a month or more of time.

A member asked whether the objective of this Article is to make it easier to reduce the sidewalk width. Mr. Freas said the objective is to allow the Planning Board greater flexibility and an applicant to optimize the location of the building on a lot. The specific criteria that are intended to protect the width of the sidewalk and ensure that the width of the sidewalk is more than adequate to meet the needs of pedestrians using the space. Downtown Natick is unique in the sense that we have lots that intrude into the right-of-way and the sidewalks are typically within the right-of-way. But that's not the condition across the entirety of the district. In no instance however can a reduced setback allow a building to encroach into the right-of-way, which is typically where the sidewalks are found.

A member asked if this bylaw change would allow a building to have a zero foot setback when the abutters have a 15-foot setback. Mr. Freas said that they would not be allowed to have a zero foot setback because that would not be consistent with the criteria of the bylaw and the Planning Board would not be able to make that finding and would deny the Special Permit.

A member noted that the front setback is from the property line and the property line begins where the sidewalk ends (Mr. Freas confirmed).

A member asked if this change will have any impact on new residential construction. Mr. Freas said it's not specifically geared towards new residential construction, but is geared towards any infill development project that might occur in the DM district.

Mr. Michael Hickey, member, Select Board noted that this Article aims to promote a vibrant downtown and consistency with the built environment of downtown to implement the recommendations of the Master Plan. This also makes the Natick permitting process more user-friendly, and frankly, cuts down on wasted time on viable projects with value to the community. Mr. Hickey cited his lengthy experience on the ZBA and spent a lot of time working through things like setback and parking and contorting to work with developers within the parameters of Section 6. The ZBA had to turn down great projects because there wasn't any flexibility in the zoning bylaws for the DM district. Very few of the buildings in the DM district are compliant with zoning because they were built before zoning was devised and adopted.

Members stated that this Article makes the process clearer and more reliable and is a step forward in the kind of clarity and certainty that could well promote investment in the downtown are.

A member cited the support of the developers, the Economic Development Committee, and downtown business people (Natick Center Associates) and noted that the Article provides the flexibility in the tools to enable discussions with potential developers to locate in the downtown area.

A member noted that the buildings on Main Street have zero setback but are aligned with each other and enable a pleasant shopping experience.

A member noted that developers invest their resources and capital to provide services and value to all residents and when we provide services that allow people to use their property to its best use and work collaboratively with them, this benefits the town.

A member noted that the Planning Board is well-suited to determine whether or not a building is generally consistent with the other buildings and the street.

## ARTICLE 4 AMEND ZONING BY-LAWS:

Downtown Mixed-Use District: Ground Floor Residential Uses (Select Board and Planning Board)

#### ARTICLE LANGUAGE

To see if the Town will vote to amend the Town of Natick Zoning Bylaws regarding ground floor uses in the Downtown Mixed Use (DM) District by:

- A. Amending Section III-E (Downtown Mixed Use District (DM)), including but not limited to:
- B.. Use Regulations for the DM Districts;

or otherwise act thereon

#### PURPOSE OF THE ARTICLE

To preserve the business character of core streets in Natick Center by reserving ground floor occupancy for non-multi-family residential uses

#### FINANCE COMMITTEE RECOMMENDATION

The Finance Committee took the following action:	RECOMMENDATION:	Favorable Action
	QUANTUM OF VOTE:	8-1-2
	DATE VOTED:	September 22, 2020

#### **MOTION** (Requires a 2/3 Vote)

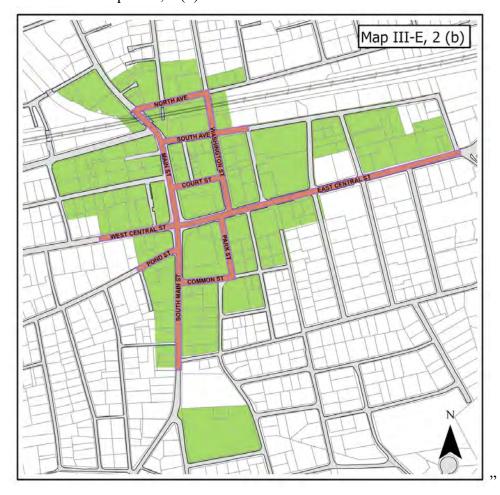
MOVE to amend Section III – USE REGULATIONS of the Natick Zoning Bylaws by inserting

"ii. Habitable Rooms of multi-family dwellings may be located on the first floor of any structure in the DM district except on:

- Main Street in its entirety, from West/East Central Street to North Avenue;
- South Main Street from West/East Central Street to south boundary of DM district;
- North Ave from North Main Street to Washington Street;
- South Ave from Main Street to Clarendon Street;
- Pond Street from South Main Street to the west boundary of the DM district;
- East Central Street from Main Street to east boundary of DM district;
- West Central Street from Main Street to west boundary of DM district;

- Common Street from South Main Street to Park Street;
- Court Street in its entirety;
- Park Street in its entirety; and
- Washington Street from East Central Street to North Ave.

#### As shown on Map III-E, 2 (b)



in Section III-E DOWNTOWN MIXED USE DISTRICT (DM), Part 2, after "i. the Special Permit Granting Authority specifically determines that adequate provision has been made for off-street parking;"

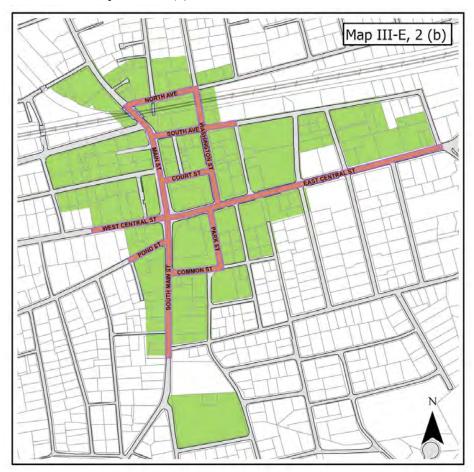
So that Section III-E, Part 2 (b) now reads:

#### b. USES ALLOWED ON SPECIAL PERMIT ONLY:

The following uses may be allowed by the Special Permit Granting Authority in accordance with the provisions of Chapter 40A of the General Laws and in accordance with Section VI-DD of this By-law.

- 1. Multi-family dwellings, provided that:
  - i. The Special Permit Granting Authority specifically determines that adequate provision has been made for off-street parking;
  - ii. Habitable Rooms of multi-family dwellings may be located on the first floor of any structure in the DM district except on:
    - Main Street in its entirety, from West/East Central Street to North Avenue;
    - South Main Street from West/East Central Street to south boundary of DM district;
    - North Ave from North Main Street to Washington Street;
    - South Ave from Main Street to Clarendon Street;
    - Pond Street from South Main Street to the west boundary of the DM district;
    - East Central Street from Main Street to east boundary of DM district;
    - West Central Street from Main Street to west boundary of DM district;
    - Common Street from South Main Street to Park Street;
    - Court Street in its entirety;
    - Park Street in its entirety; and
    - Washington Street from East Central Street to North Ave.

#### As shown on Map III-E, 2 (b)



#### FINANCE COMMITTEE PUBLIC HEARING AND DISCUSSION

The Finance Committee met to discuss Article 4 at a meeting on September 22, 2020 and voted to recommend Favorable Action by a 8-1-2 vote.

#### Presenters:

Ms. Terri Evans, Chair, Planning Board

Mr. James Freas, Director, CED

Ms. Evans state that in Fall 2019, the Planning Board sponsored an Article and following recommendations in the Master Plan to make the first two blocks of Main Street north of East West Central Street, as all commercial, no residential. That Article was supported by the Planning Board and the Finance Committee. However, property owners in that area expressed concern about not having the opportunity to have upper floors that were residential. So the Planning Board went back to the drawing board and stated that the point of the exercise is to emphasize and strengthen the commercial and business character of prime commercial streets in the DM district. We identified those streets and stated that, on those streets, multi-family residential (not the ground floor lobby for access, but the habitable rooms of multi-family) can be anywhere in the DM district except the specific streets listed in this Article's motion.

Ms. Evans noted that point is not to be overly prescriptive about where residential can be, but to define the principal business streets or non-residential streets at the heart of the DM district. Again, habitable rooms for multi-family are allowed above the first floor. A good example of this is the former Town Paint building on South Main Street, where there is an elevator lobby with retail/commercial space on the ground floor and residential above. If you're trying to create a dynamic business environment, you do that by having public facing enterprises on the ground floor, rather than residential units.

A member asked if there are first-floor residential units on any of the excluded streets today. Ms. Evans said there are none.

A member asked how far down East Central Street the prohibition extends. Ms. Evans said it is Dewey Street.

A member noted a discontinuity in the excluded area on the south side of East Central Street. The Finance Committee Chair noted that this was the St. Patrick's School area that was discussed in Article 1 to include this lot as part of the DM district. Ms. Evans said when the DM district was defined in the 1980s, St. Patrick's Church and the rectory were excluded from it and those are the two lots on the north side.

A member asked if Article 4 is approved and Article 1 (expansion of DM) doesn't prevail, does that cause an issue. Ms. Evans said the lots of St. Patrick's are zoned residential general (RG) now. Assuming Article 1 does not pass, that land would remain RG.

A member asked whether residential is currently permitted on the first floor in the DM district. Ms. Evans said the zoning bylaws allow single family or two-family residences in the DM District and noted that Article 4 specifically references multi-family (greater than two-family) on these specific streets in the DM district.

A member asked if this Article makes it easier to add residential to the upper floors in the areas described. Ms. Evans said it makes it no less difficult. In addition to 34 South Main St. (former Town Paint site), there is another project that's been permitted on Washington Street over the former Kentucky Spirits liquor store - retail restaurant/commercial use on the ground floor and residential above. You see it a lot in smaller downtown areas such as Natick – it's great for local business of having some of your customers already in the neighborhood. These multi-family units are allowed by Special Permit only.

A member asked whether if Article 1 and Article 4 are both approved, the Stonegate developers would preclude creation of residential on the first floor. Ms. Evans said it would preclude having residential on the first floor for the part that's re-zoned DM (on East Central Street) and the other lots on the property remain zoned RG.

A member asked whether the Natick 2030 plan calls for prohibition of first-floor residential on these specific streets or more generally. Ms. Evans said the Natick 2030 plan was actually more severe than Article 4 requests. The Article that the Planning Board sponsored last fall was modeled on the recommendation of "No Residential whatsoever on the first two blocks of Main Street" because of a desire to preserve the commercial character of downtown Natick's core business streets. However, it was very clear from property owners and business owners that they did not support this and were uncomfortable with that approach and the Planning Board requested Referral to understand their objections and create an Article that aligned to their business needs as well as the town's interest. Article 4 is a simpler approach that preserves the commercial space on the ground floor and doesn't preclude multi-family residential on upper floors of the major streets that that have commercial enterprise.

The Finance Committee Chair noted that the Planning Board did not consider Article 4 yet - it has been continued to their October 7 meeting. Ms. Evans noted that the reason that the Planning Board continued Article 4 was that when we heard it at our prior Planning Board meeting, we were doing it the other way around by defining where ground floor residential would be allowed, rather than where it was prohibited. That ended up feeling bossy and protect potentially restrictive on first floor residential, so we moved to an Article where instead of saying where first floor residential could be, we presented the much narrower grid that you see here of where commercial first floor should be. So, the delay in taking the vote was reversing the language for being where residential is allowed to being where first floor commercial is allowed.

## ARTICLE 5 AMEND ZONING BYLAWS:

#### **Incremental Parking Schedule (Select Board and Planning Board)**

#### ARTICLE LANGUAGE

To see if the Town will vote to amend the Town of Natick Zoning Bylaws by modifying Section V-D (Off-Street Parking and Loading Requirements) and other sections of the Bylaw, as required, regarding the designation of funds received through the provisions of Section V-D.3 (Parking Facilities Required by Category of Parking Demand) and Section V-D.5 (Exceptions in Downtown Mixed Use District)

Or otherwise act thereon.

#### PURPOSE OF THE ARTICLE

To establish a mitigation fund for payments under the Incremental Parking Credit Schedule in Section 5 ("Exceptions in Downtown Mixed Use District") of the Off-Street Parking and Loading Requirements (V-D) of the Zoning Bylaws

#### FINANCE COMMITTEE RECOMMENDATION

The Finance Committee took the following action:	RECOMMENDATION:	Referral to Sponsors
	QUANTUM OF VOTE:	11-0-0
	DATE VOTED:	September 22, 2020

#### **MOTION** (Requires a Majority Vote)

Move to refer the subject matter of Article 5 to the sponsors

#### FINANCE COMMITTEE PUBLIC HEARING AND DISCUSSION

The Finance Committee met to discuss Article 5 at a meeting on September 22, 2020 and voted to recommend Referral to the Sponsors by an 11-0-0 vote.

#### Presenters:

Mr. James Freas, Director, CED

Ms. Terri Evans, Chair, Planning Board

Mr. Freas said Article 5 corrects a gap in the parking standards originally adopted in the DM district. The current bylaw has a section where payments are provided by a development project in lieu of providing parking spaces. When payments are made in lieu of providing parking spaces for the commercial aspect of a project, those payments are directed into a downtown parking fund. But where the payment is paid in lieu of providing parking spaces for residential portions of a development, the zoning bylaw is silent on where those funds should go and they go into the general fund. Article 5 proposes to have in lieu payments made for residential parking directed into a fund to pay for pedestrian safety, access and circulation improvements in the downtown.

The theory is that once a person parks their vehicle, they become a pedestrian. One proven method of getting greater utilization of more distant or less desirable parking spaces within a downtown district is improved access to those spaces and safer pedestrian access to those spaces. For example, many people who go to the Library choose to park on the same side of East Central Street as the Library itself in order to avoid having to cross East Central Street. But if these funds available, we can hopefully make improvements to encourage people to use more distant parking. Mr. Freas noted that no funds have been received to date under the residential buying mechanism, so no money has gone into the general fund, but Town Counsel confirmed that unless otherwise specified, these funds would flow into the general fund.

Mr. Michael Hickey said the Select Board supports this Article for the purposes described.

A member asked whether there are other funds where the Planning Board has discretionary control. Ms. Evans said there are mitigation funds sometimes in connection with subdivision development that may go into sidewalk improvements, where the Planning Board will waive having safe sidewalks on both sides of a road in the subdivision and only require them on one side with the difference going to sidewalk improvements in the surrounding area.

A member asked if mitigation funds for roadway improvements are approved by the Planning Board or by the Select Board in their role as highway commissioners. Ms. Evans said this specific expenditure is generally overseen by DPW and is spent within the constraints in which the mitigation funds were generated, a narrow requirement of how the funds are directed that gives ensures how and where the funds can be spent, i.e., to mitigate the impact of a project on a particular nearby area. For example, you couldn't use mitigation money from the mall for roadway improvements in South Natick.

A member asked whether there any funds that the Planning Board explicitly spends directly. Ms. Evans said she did not know of any funds like that.

A member asked why these fees would not go into an off-site parking construction acquisition fund controlled by the Select Board that already exists. Ms. Evans said, given the costs of public parking construction, there is a long road to go for a fund dealing with public parking to accrue enough funding to make significant improvements. This article supports the Natick 2030+ Master Plan's goals of supporting an active and dynamic Natick Center, specifically Goal 4.1, "Support a safe and active street life in Natick Center by investing in sidewalks, crosswalks, bike facilities, signage improvements, and

promoting sidewalk cafes and outdoor spaces". Mr. Freas added that the cost of providing new parking is prohibitive. The parking garage study came in with a low-end cost of \$12 million. The funds that we are talking about in Article 5 are on the order of \$20,000 - \$40,000, a pittance in relation to the cost of a parking garage. Projects that improve pedestrian safety tend to run in the \$50,000 to \$150,000 range, depending on the nature of those projects, so we can more effectively use those funds to provide improvements in a shorter term timeframe from when they're received rather than simply accruing funds over years in the hopes of seeing a parking garage built.

A member asked if the Select Board agreed that offsite residential parking construction acquisition fund would be an appropriate use for these funds and Mr. Hickey said it would be appropriate for the Planning Board to do this. However, Mr. Hickey stated that Mr. Freas is being very conservative with a \$12 million figure for parking garage construction – that it's more like \$15 million and this fund would accumulate dribs and drabs, not the eight figures that would be needed for a parking garage.

A member asked if Article 5 passes and the Planning Board would control these funds, could the Planning Board and expend them with no further appropriation needed. Ms. Evans confirmed this was a concern and noted that the last clause was added specifically at the request of Town Counsel.

#### Motion as provided by the Sponsor (requires a 2/3 vote)

Move to amend the Town of Natick Zoning Bylaws by amending Article V-D, Section 5, by inserting immediately after the first paragraph a new paragraph, which reads

"Payments received under the provisions of Article V-D, Section 5 of this Bylaw shall be maintained in a dedicated pedestrian access, circulation, and safety fund from which monies may be expended with no further appropriation under the direction of the Planning Board for the sole purposes of pedestrian access, circulation, and safety improvements in the Downtown Mixed Use (DM) district."

So that Section V-D, Section 5 (exclusive of Table 2) now reads

Notwithstanding the minimum requirements enumerated in sections 3, c) through 3, q) above, in a DM District the number of parking spaces required for non-residential use may be reduced by special permit by not more than ten percent (10%) of the requirement of section V-D 3, conditioned upon the approval of the SPGA, and upon commitments to payments according to the Incremental Parking Credit schedule in Table 2 below based on the difference in parking units provided and those required under sections c) through q) above. Said payments are due prior to the issuance of an occupancy permit. Any Special Permit issued under this section is subject to findings by the SPGA that the decrease in on-site parking is not substantially more detrimental than the requirements of the Zoning district.

Payments received under the provisions of Article V-D, Section 5 of this Bylaw shall be maintained in a dedicated pedestrian access, safety, and circulation fund from which monies may be expended with no

further appropriation under the direction of the Planning Board for the sole purposes of pedestrian access and safety improvements in the Downtown Mixed Use (DM) district.

Further notwithstanding the minimum requirements enumerated in sections 3, c) through 3, q) above, in a DM district the SPGA may, as part of a special permit or site plan review for a change in use or an expansion of prior use, in its discretion reduce the required number of parking spaces by an amount equal to the number of spaces by which the prior use is below the minimum number of spaces required for that use, but only upon a funding that the new or expanded use is not detrimental to the intent of this bylaw and that the new or expanded use (a) increases architectural accessibility, (b) accommodates mixed use on the parcel, (c) improves pedestrian and/or vehicular movements, (d) enhances the streetscape for abutting properties, (e) creates affordable housing, or (f) accommodates mass transit facilities."

### ARTICLE 6 AMEND ZONING BYLAWS:

## Parking in Downtown Mixed Use (DM) District (Select Board and Planning Board)

#### ARTICLE LANGUAGE

To see if the Town will vote to amend Natick Zoning By-Laws with regard to off-street parking requirements in Downtown mixed Use (DM) District by:

A. Replace, eliminate or modify the following sections (including, without limitations, subsections and/or footnotes) that relate to off-street parking standards for DM districts:

- Section V-D.3 Parking Facilities Required by Parking Demand
- Section V-D.5 -Exceptions in Downtown Mixed Use District
- Sections V-D.6 Location of Required Parking Spaces to V-D.19 Administration & Parking

Or otherwise act thereon

#### PURPOSE OF THE ARTICLE

To promote private sector investment in Natick Center consistent with the goals of the Natick 2030+ Comprehensive Plan and with the character and quality of the existing built environment. Also to set standards for bike parking for residential development, taking advantage of recent Town infrastructure investments.

#### FINANCE COMMITTEE RECOMMENDATION – MOTION A

The Finance Committee took the following action:	RECOMMENDATION:	Favorable Action
	QUANTUM OF VOTE:	8-3-0
	DATE VOTED:	<b>September 22, 2020</b>

#### **MOTION A** (Requires a 2/3 Vote)

MOVE to amend Section V-D – OFF STREET PARKING AND LOADING REQUIREMENTS of the Natick Zoning Bylaws by the following:

- A. Part 3. Parking Facilities Required by Parking Demand
  - 1. In sub-part b), replace "In a DM district there shall be one (1) space for a studio apartment, two (2) spaces for a 1 or 2 bedroom unit, and three (3) spaces for units having three (3) or more bedrooms, all of such spaces to be provided on-site. (Art. 45 S.T.M. April 7, 1987)",

with "In a DM district there shall be one (1) space for a studio apartment, one (1) bedroom unit, or two (2) bedroom unit and two (2) spaces for units having three (3) or more bedrooms", so that b) now reads:

- b) One (1) space for one (1) bedroom or studio units, one and one-half (1 1/2) spaces for two (2) bedroom units, and two (2) spaces for units having three (3) or more bedrooms. All required spaces are to be provided within a distance not to exceed three hundred (300) feet from the building in which the specific family unit served is located. In a PCD District, parking lots shall not exceed 125 spaces in any one lot, and lots shall be at all points at least twenty-five (25) feet apart.\* For an AP Cluster Development, the parking requirements shall be one (1) space for a studio unit, and two (2) spaces for one or more bedrooms. In the DM district there shall be one (1) space for a studio apartment, one (1) bedroom unit, or two (2) bedroom unit and two (2) spaces for units having three (3) or more bedrooms. Note: Any housing which is specifically designed and constructed to meet the needs of the elderly may reduce the parking requirements for all such units by one-half.
- 2. In sub-part r), after "Notwithstanding the minimum requirements enumerated in sections a) and b) above" replace, "the parking requirements for dwelling units in the DM and any Hoop District may be reduced by special permit to a minimum number as follows: one (1) space for one (1) bedroom or studio units, one and one-half (1 ½) spaces for two (2) bedroom units, and two (2) spaces for units having three (3) or more bedrooms, conditioned upon the approval of the SPGA and", with "the SPGA may, by special permit, reduce or remove the parking requirement for dwelling units in the DM and any HOOP District" so that r) now reads:
  - r) Notwithstanding the minimum requirements enumerated in sections a) and b) above, the SPGA may, by special permit, reduce or remove the parking requirement for dwelling units in the DM and any HOOP District upon commitment to payments according to the incremental Parking Credit schedule in Table 1 below based on the difference in parking units provided and those required under sections a) and b) above. Said payments are due prior to the issuance of an occupancy permit. Any Special Permit issued under this section is subject to findings by the SPGA that the decrease in on-site parking is not substantially more detrimental than the requirements of the Zoning district.

#### FINANCE COMMITTEE PUBLIC HEARING AND DISCUSSION

The Finance Committee met to discuss Article 6 at a meeting on September 22, 2020 and discussed Article 6 Motions A and B concurrently. Article 6 Motion 6 was ruled out of scope by the moderator and was not discussed.

The Finance Committee Chair stated that the Planning Board voted 4-1-0 to recommend Favorable Action for Article 6 Motion A and Motion B.

#### Presenters:

Ms. Terri Evans, Chair, Planning Board

Mr. James Freas, Director, CED

Mr. Freas noted that the overall intent of what we're discussing tonight is to introduce a greater degree of flexibility in our DM zone to promote investment in downtown Natick. I think it is understood that providing parking, particularly in a tight historic area, like downtown Natick is a very expensive proposition. Structured parking, underground parking is prohibitively expensive to construct. In particular, underground parking in our downtown area because of the high water table and is much more expensive here than it would be in other parts of the town and other parts of our region.

Parking also uses up space that is then unavailable for revenue-producing uses (commercial space, housing space, etc.). When we demand a high level of parking, we're setting a very high minimum construction in the downtown and that limits the amount of revenue available to pay back the construction costs to the property owner developing that property. Thus, parking is a very significant barrier to the ability for the town to court developers or new businesses to locate downtown.

Article 6 increases flexibility and it doesn't say that no parking is required to be produced downtown for new developments or redevelopments. It gives developers and the Planning Board the flexibility to explore different ways to of addressing their transportation demand and their parking needs in downtown and to develop creative solutions that are more in keeping with the downtown environment.

Shared parking, both as a public or private resource is one less expensive way to achieve that. Many downtown property owners use shared parking today, but the sharing that they're doing today is illegal under our Zoning Bylaw. Under the current bylaw, a parking space intended for a given use must be dedicated to that use 7x24x365. For example, I cannot share a parking space at a bank, even if the bank is closed on the weekends or evenings or on Sunday. The bylaw we're seeking to amend has three parts to it and we're speaking about the first two parts and not the third part.

Mr. Freas said Motion A addresses <u>residential parking</u> and proposes to reduce the minimum required residential parking to be the same as the remainder of town. Natick Center is one of our most transit-accessible, walkable parts of the entire town. It is illogical that the parking requirement would be higher in downtown than in other parts of town. This clearly is a barrier to housing development that is counter to the intentions of the town as expressed in the comprehensive plan. This proposal seeks to match the parking requirement in DM to that of other zoning districts in the rest of town, and grants the Planning Board the ability to further lower that parking requirement, subject to a fee in-lieu of providing parking being paid, as discussed in Article 5.

Mr. Freas said Motion B addresses commercial parking and lowers the parking requirement for office uses so that they are roughly similar to residential uses, so that we're not inadvertently creating an unintended advantage of residential use over office use. Then for ground floor commercial uses, as specified, (restaurants, retail uses and similar), the minimum parking requirement for those ground floor uses is set at zero or eliminated. The reason for that is twofold.

One, effectively, that's the outcome we have today. Most uses for ground floor commercial space come in to the Planning Board and they go through lengthy discussions that get them down to zero. Instead of making a new business seeking to occupy existing space, work through the math and the calculations to figure out how many parking spaces previously existed or did not exist on a piece of property, Motion B

makes it straightforward such that there is no parking requirement for ground floor commercial spaces. We understand that shared public space parking for those uses is a shared resource for town residents.

The last aspect of that commercial section is it takes a number of uses that were newly created in the 2019 Fall Annual Town Meeting. When they were created last fall, they had parking requirements established for them This provides DM parking requirements similar to all the other commercial uses. All commercial uses have a lower parking requirement in the downtown today and this gives users that benefit of that same lowered parking requirement in the downtown and other commercial uses.

Mr. Michael Hickey (co-sponsor) said this is another example of a creative, forward-looking zoning proposal that attempts to address the fact that the parking bylaw for the DM district is "zoning of the past" and noted that the onerous parking requirements have been a big obstacle that has stood in the way of attractive and viable projects that should have proceeded a long time ago. For example, the One South Main Street site that burned to the ground. In 2006 or 2007, the owners of One South Main Street had a project that had a vibrant first floor retail component, with residential upper floors that were fully sprinklered. This project plan was rejected solely because that project couldn't meet the DM parking count of the 1980s. There was another proposed project for the Stone's Auto site on North Main St. that had similar issues.

If we analyze why there are properties that have sat despite their proximity to downtown Natick, the culprit invariably is our DM parking requirements. Having spent a decade on the ZBA when the ZBA was the Special Permit Granting Authority in the DM district, the cost of putting parking in was the biggest thing that stands in the way of a more vibrant downtown. We have a downtown that recognizes transit-oriented development and single family homes should not be subject to the same parking, logistics and structure that a downtown core business area should have.

The only parties who benefit from the burden and delay on viable projects proposals are the land-use lawyers who appear before the Planning Board and ZBA and get paid to do mental gymnastics to find a way to fit their project within the restrictions of the DM zoning. We need to be more forward-looking and support mixed use commercial/residential. This Article is overdue and the Select Board was happy to get behind modernizing and updating with the Planning Board and CED.

A member questioned the adequacy of these measures to attract investment and increased activity in a downtown district and stated that planning literature indicates that a population of 40,000 to 50,000 residents needs to become regular users of a district in order for storefront enterprises, restaurants and storefront retail to prosper. The member asked whether the need to attract travel to this district been factored into what we're doing here.

Mr. Freas said it has and there's no question in my mind that people will continue to drive to downtown Natick and parking will continue to be an issue. I don't see that this proposal as incongruent with that reality. And to that point, both the EDC and the Natick Center Associates strongly endorsed Article 6 and I think neither of those bodies would argue that that less parking is the solution. The issue, though, is the reality that there's a limited amount of space in Natick Center and there's a limited amount of money. If we want to get more activity in downtown, we can't require every single project and property to accommodate its own parking; we have to be more efficient with our use of space, and be more strategic and need to treat parking as a shared resource to be managed as an asset for the downtown.

A member asked if the number of relatively small parcels in downtown Natick makes it cost-prohibitive to develop on a small parcel with these parking requirements. Mr. Freas said small parcels in DM are a problem and the presence of historic buildings that we want to preserve, not have developers tear down buildings to create parking (as has been done elsewhere) because they're required to do so. Every project has a limited amount of financial resources, it can only do what they can accommodate within a pro forma that has a certain amount of revenue associated with it and our zoning and parking requirements should help direct those funds to the quality of the building, the quality of materials used, and providing affordable deed-restricted affordable housing units. Parking is the most expensive portion of this and providing the Planning Board with the flexibility to work with developers will yield better outcomes.

Members said the idea of mixing residential and commercial together, on the surface, doesn't seem like a bad idea, but asked where the residents of those buildings will park. Mr. Freas said he can't say it strongly enough - no one is suggesting that there be no parking available. Any residential developer recognizes that parking is the one of the most important amenities they provide and gives them the greatest degree of competitiveness. However, because of the challenges of developing in downtown Natick Center (small lots, historic buildings and other demands we're placing on development downtown), like a high affordable housing requirement, the expectation that they use brick to the greatest extent possible because that reflects the character of downtown (brick is far more expensive than other materials), we need to offer some degree of flexibility and more creative solutions than requiring that parking on-site every single time. And we need to make sure that our parking requirement itself is realistic to the marketplace and to the location.

Mr. Freas noted that two parking spaces for a one bedroom unit, the current requirement in DM, is way out of line with what most other communities in our area requires and definitely out of line with locations near a commuter rail station. It's twice what we require for a one bedroom apartment that's nowhere near our commuter rail station.

A member asked how much consideration was given to require developers to have a certain amount of parking available versus a certain amount of parking provided with the building that can only be used for a single purpose. Mr. Freas said that's a great idea and when he re-wrote Newton's zoning ordinance, it included that provision and stated that is something we need to be doing in Natick. Right now, we're doing that on a separate lot, but you're not allowed to do that in the DM district that strictly prohibits residential from locating its parking on any lot other than on-site. This article fixes that flaw within the DM zone. Mr. Freas said he brought this up in discussions on the proposed Natick Mercantile development (Washington St., site of former Kentucky Spirits) strongly recommending that conditions be included in future Special Permits requiring that the rent for parking be separated from the rent for the residential unit.

Mr. Freas said the current zoning is very much an old-school approach to the parking issue and modern zoning is exploring different approaches and seeking creative solutions to deal with parking such as the one that he described and these bylaw amendments will enable that kind of a solution. Mr. Hickey said the inflexibility of the bylaw prevented many developers from coming forward with creative solutions that addressed the issue of downtown parking. Ms. Evans said if a developer builds a mixed-use project, as they're working on the financing, the lender will do a test fit to determine whether to sound investment and will the building get rented. That becomes a more effective means of securing parking - the goal is not to build units that no one will be able to rent because they don't have assurance of

parking, but to create opportunities. The flexibility that Article 6 provides beyond just the straight numbers we currently require allows the Planning Board to review other options with the developer to solve that problem together. The urgency is that Natick is able to attract investment and eliminate vacant lots, storefronts, and buildings in the DM district because we've reduced the onerous parking requirements specified in the current bylaw.

A member asked if this bylaw change is approved and downtown construction booms, but there's not enough parking does this mean that we're transferring to our future selves the need to pay for that eight-figure parking garage. Mr. Freas said this article is not trying to decide whether projects come in with or without parking, but determining the appropriate flexibility on parking requirements to work creatively with development projects that come in. If we're successful we'll have full storefronts, new residences, and new office space and a thriving downtown. Simultaneously, we will be working on methods for managing our parking supply to ensure full access to the downtown for customers, employees, and residents because all downtown areas have to be actively managed, with feedback loops to assess what's happening and to make adjustments and changes moving forward.

A member asked if this flexibility would provide the Planning Board with the latitude to be more demanding on future developers as the downtown area gets developed or would the town need to start spending more money to manage parking, Mr. Freas noted that it may be some of both. If we get a really successful downtown, you'll see increasing revenues resulting from that success and we should invest some of those revenues back into supporting the success of the downtown. It would be a wise course of action for us to start taking some of the parking revenue we get from downtown and turning that into data collection on parking demand so that we have better data to understand what our parking challenges really are. We periodically come in and do a parking study but downtown parking areas like Natick are best addressed by having ongoing data collection to understand demand and supply.

Member asked how recent developments such as ridesharing in the development of the rail trail that provides direct, easier access to downtown and the MBTA station are accounted for in these articles. Mr. Freas said that is integral to our thinking, understanding that the goal here is to ensure access to Natick Center via different means of transportation. Like any other system, the more choices offered the better. Alternative transportation models reduce demand for parking. We're seeing an increase in the number of people who don't have cars and rely almost exclusively on ride-sharing and find that it's cheaper for them. In addition, people have environmental concerns.

A member asked if ride-share alternatives would require reserved places in the DM district. Mr. Freas said he spoke with Zipcar earlier this year about their interest in locating in Natick Center. They said, right now, it's outside of their business model because they're focusing in core areas of Boston, Cambridge, Somerville (areas with significantly higher density locations) and college campuses. And, the model for all of these companies, particularly in a location like ours, is that they would expect the property owner to pay them for the service of their vehicles being available on or associated with the property.

Mr. Hickey said a comment was made last year at Fall Town Meeting that relaxing parking requirements would kill downtown businesses. However, both the Economic Development Committee and Natick Center Associates both overwhelmingly support Article 6. Another statement was made that the Planning Board can use discretion on a case-by-case basis to deal with parking issues as they arise. It's

important to kind of recognize that the reason the Planning Board is bringing this back is recognition that they don't have the level of discretion and flexibility required to enable appropriate development.

A member stated that there have been never-ending parking studies that all concluded that there's no economically feasible way to build a garage in downtown Natick and the town should move on from that delusion and set it aside.

A member noted that newer transport models, MBTA station improvements, ride sharing etc. and transit-oriented development indicate how out of date these bylaws are. A member disputed the idea that car ownership is declining and expressed skepticism about whether decreasing the parking requirements would not exacerbate the parking problem in downtown Natick.

#### **Public comments**

Mr. Josh Ostroff, Town Meeting member, Precinct 6 said he worked since 2008 with town staff and the Planning Board to address the downtown parking issues, and we concluded that there could only be a limited number of parking spaces created and that the town needed to manage the existing spaces carefully as a scarce resource.

Mr. Julian Munnich claimed that trying to create a solution that applies everywhere in the DM district will lead to mistakes because what applies for Main Street may not apply to other streets in the DM district and suggested that you can't have a one-size-fits-all parking solution across all of DM and advocated for a study committee.

#### FINANCE COMMITTEE RECOMMENDATION - MOTION B

The Finance Committee took the	RECOMMENDATION:	No Recommendation
	QUANTUM OF VOTE:	Favorable Action: 7-1-3
following action:	DATE VOTED:	September 22, 2020

#### **MOTION B**

None

#### Motion B Provided by the Sponsor (requires a 2/3 vote)

MOVE to amend Section V-D – OFF STREET PARKING AND LOADING REQUIREMENTS of the Natick Zoning Bylaws by the following:

#### A. Part 3. Parking Facilities Required by Parking Demand

1. In sub-part d), after "For offices - 1 space per four hundred (400) square feet of gross floor area\*", add ", within the DM District, 1 space per seven hundred (700) square feet of gross floor area.", so that d) now reads:

- d) For offices 1 space per four hundred (400) square feet of gross floor area\*, within the DM District, 1 space per seven hundred (700) square feet of gross floor area.
- 2. In sub-part e), after "For financial institutions, retail stores, personal services, shops, and similar commercial uses 1 space for each two hundred and fifty (250) square feet of gross floor area. Within the DM District, 1 space for each five hundred (500) square feet of gross floor area", add ", except that where the use is located on the first floor there is no minimum parking requirement.", so that e) now reads:
  - e) For financial institutions, retail stores, personal services, shops, and similar commercial uses 1 space for each two hundred and fifty (250) square feet of gross floor area. Within the DM District, 1 space for each five hundred (500) square feet of gross floor area, except that where the use is located on the first floor there is no minimum parking requirement.
- 3. In sub-part g), after "For restaurants, night clubs, bars and lounges 1 space for each thirty (30) square feet of public area or 1 space for every three (3) seats, whichever is greater. Within the DM District, 1 space for every twenty-five (25) seats", add ", except that where the use is located on the first floor there is no minimum parking requirement.", so that g) now reads:
  - g) For restaurants, night clubs, bars and lounges 1 space for each thirty (30) square feet of public area or 1 space for every three (3) seats, whichever is greater. Within the DM District, 1 space for every twenty-five (25) seats, except that where the use is located on the first floor there is no minimum parking requirement.
- 4. After sub-part q), insert a new sub-part r) and renumber the following sub-parts accordingly. In the new sub-part r) insert the text from sub-part w). After "whichever is greater." insert "Within the DM, I space for every two thousand five hundred (3,000) square feet of gross floor area, or I space for each four (4) persons normally employed in the largest shift, whichever is greater.", so that r) now reads:
  - "r) Specialty Craft Fabrication without accessory space for consuming goods produced on site 1 space for every two thousand (2,000) square feet of gross floor area, or 1 space for each three (3) persons normally employed in the largest shift, whichever is greater. Within the DM district, 1 space for every three thousand (3,000) square feet of gross floor area or 1 space for each four (4) persons normally employed in the largest shift, whichever is greater."
- 5. After sub-part r), insert a new sub-part s) and renumber the following sub-parts accordingly. In the new sub-part s) insert the text from sub-part x). After "beverages.", insert "Within the DM district, 1 space for every three thousand (3,000) square feet of gross floor area, or 1 space for each four (4) persons normally employed in the largest shift, whichever is greater, plus 1 space for every two hundred and fifty (250) square feet of public area reserved for the general public for the actual consumption of food and beverages (indoor spaces only), except that where the public area is located on the first floor there is no minimum parking requirement." so that s) now reads:

- s) Specialty Craft Fabrication with accessory space for consuming goods produced on site—
  1 space for every two thousand (2,000) square feet of gross floor area, or 1 space for each
  three (3) persons normally employed in the largest shift, whichever is greater plus 1 space
  for every thirty (30) square feet of public area reserved for the general public for the actual
  consumption of food and beverages. Within the DM District, 1 space for every three
  thousand (3,000) square feet of gross floor area, plus 1 space for every two hundred and
  fifty (250) square feet of public area reserved for the general public for the actual
  consumption of food and beverages (indoor spaces only), except that where the public area
  is located on the first floor there is no minimum parking requirement.
- 6. After sub-part s), insert a new sub-part t) and renumber the following sub-parts accordingly. In the new sub-part t) insert the text from sub-part y). After "Creative Production 1 space for every five hundred (500) square feet of gross floor area", add ", within the DM District, 1 space for every one thousand (1,000) square feet of gross floor area", so that t) now reads:
  - t) Creative Production -1 space for every five hundred (500) square feet of gross floor area, within the DM District, 1 space for every one thousand (1,000) square feet of gross floor area.

And the following sub-parts are now labeled u, v, w, x, and y.

#### B. Part 5. Exceptions in Downtown Mixed Use District

- 1. In the first paragraph of Part 5, replace "in sections 3, c) through 3, q)", with "in sections 3, c) through 3, t)", so that the paragraph now reads:
- 2. Notwithstanding the minimum requirements enumerated in sections 3, c) through 3, t) above, in a DM District the number of parking spaces required for non-residential use may be reduced by special permit by not more than ten (10%) percent of the requirement of section V-D 3, conditioned upon the approval of the SPGA, and upon commitment to payments according to the Incremental Parking Credit schedule in Table 2 below based on the difference in parking units provided and those required under sections c) through q) above. Said payments are due prior to the issuance of an occupancy permit. Any Special Permit issued under this section is subject to findings by the SPGA that the decrease in on-site parking is not substantially more detrimental than the requirements of the Zoning district."
- 3. In the second paragraph of Part 5, replace "in sections 3, c) through through 3, q)", with "in sections 3, c) through 3, t)", so that the paragraph now reads:
  - Further notwithstanding the minimum requirements enumerated in sections 3, c) through 3, t) above, in a DM District the SPGA may, as part of a special permit or site plan review for a change in use or expansion of prior use, in its discretion reduce the required number of parking spaces by an amount equal to the number of spaces by which the prior use is below the minimum number of spaces required for that use, but only upon a finding that the new or expanded use is not detrimental to the intent of this bylaw and that the new or expanded use (a) increases architectural accessibility, (b) accommodates mixed use on the parcel, (c)

improves pedestrian and/or vehicular movements, (d) enhances the streetscape for abutting properties, (e) creates affordable housing, or (f) accommodates mass transit facilities. (Art. 41, Spring T.M. 4/12/11)

#### FINANCE COMMITTEE RECOMMENDATION – MOTION C

The Firence Committee to the	RECOMMENDATION:	No Consideration
The Finance Committee took the	QUANTUM OF VOTE:	
following action:	DATE VOTED:	<b>September 22, 2020</b>

#### **MOTION C**

None

#### Motion C Provided by the Sponsor (requires a 2/3 vote)

MOVE to amend Section V-D – OFF STREET PARKING AND LOADING REQUIREMENTS of the Natick Zoning Bylaws by the following:

- 1. After Part 6, insert a new Part 7 and renumber the following Parts accordingly. In the new Part 7 insert text that reads:
  - 7. Bike Parking Requirements in the Downtown Mixed Use District Multiple Family Dwellings in the DM District must provide on-site long term bicycle parking.
  - a) Long-term bicycle parking may be provided through any combination of racks or lockers.
  - b) Long-term bicycle parking must be provided in a well-lit, secure location within the same building as the use the parking is intended to serve or within an accessory structure located within two-hundred (200) feet of an entrance of the building.
  - c) To provide security, long-term bicycle parking must either be:
  - i. In a locked room:
  - ii. In an area that is enclosed by a fence with a locked gate. The fence must be either 8 feet high, or be floor-to-ceiling;
  - iii. Within view of an attendant or security guard; or
  - iv. In an area that is monitored by a security camera;
  - d) All required long-term bicycle parking spaces must be designed to provide continuous shelter from the elements.
  - e) Where long-term bicycle parking is located adjacent to motor vehicle parking or loading facilities, a physical barrier must be provided to prevent potential damage to bicycles by other vehicles.

- f) Up to twenty-five (25%) of long term bicycle parking space may be provided as racks that require bicycles to be hung or lifted off the ground or floor.
- g) Alternative Compliance The provisions of Section VD 3.s may be modified by Special Permit to accommodate alternative technologies and methods for providing bicycle parking where the special permit granting authority finds that the proposed alternative technologies and methods of bicycle parking provide equal or greater benefits to bicycle users

## ARTICLE 7 AMEND ZONING BY-LAWS:

## Amendment to Zoning Map – Downtown Mixed Use (DM) District (Select Board and Planning Board)

#### ARTICLE LANGUAGE

To see if the Town will vote to change the following parcels from the Residential General (RG) Zoning District to the Downtown Mixed Use (DM) Zoning District:

Assessors Map 43 Lot 263, known as 16 West Central Street; Assessors Map 43 Lot 262, known as 14 West Central Street; and Assessors Map 43 Lot 257, known as 25 Pond Street as shown on the plan on file with the Community and Economic Development Office and the Town Clerk's Office

or otherwise act thereon.

#### PURPOSE OF THE ARTICLE

To change 16 West Central Street, 14 West Central Street and 25 Pond Street from Residential General to the Downtown Mixed Use Zoning District

#### FINANCE COMMITTEE RECOMMENDATION

The Finance Committee took the	RECOMMENDATION:	Favorable Action
following action:	QUANTUM OF VOTE:	9-3-0
	DATE VOTED:	September 17, 2020

#### **MOTION** (Requires a 2/3 Vote)

Move to amend the Town Of Natick Zoning Map as issued on June 20, 2020, by changing the following parcels from the Residential General (RG) Zoning District to the Downtown Mixed Use (DM) Zoning District:

Assessors Map 43, Lot 263, known as 16 West Central Street; Assessors Map 43, Lot 262, known as 14 West Central Street; and Assessors Map 43, Lot 257, known as 25 Pond Street as shown on the plan on file with the Community and Economic Development Office and the Town Clerk's Office.

#### FINANCE COMMITTEE PUBLIC HEARING AND DISCUSSION

The Finance Committee met to discuss Article 7 at a meeting on September 17, 2020 and voted to recommend Favorable Action by a 9-3-0 vote.

#### Presenters:

Mr. James Freas, Director, CED

Ms. Terri Evans, Chair, Planning Board

Mr. Freas said Article 7 proposes to re-zone three parcels on the western side of the DM district. Those parcels being the Pond Street parking lot and the two parcels that sit between the DM district and the Pond Street parking lot to address a long-standing non-conformity with the use in this area. Under the Zoning Bylaws, this parking lot is used primarily for commercial uses and is meant to be within the same DM district as those commercial uses. However, the Pond Street lot is used by the businesses and commercial properties in the DM district, but they are zoned Residential General (RG). The adjacent parcels house a medical office building and a multi-family building – both are non-conforming uses within the RG district that would become conforming uses under the DM district.

Ms. Evans said this issue came up when the planning board was updating the zoning map several years ago and going through matching lines against lines. There was a time about 45 or so years ago when there were residential properties on this site before it was a parking lot. Those familiar with the lot will know that it is often used in support of commercial uses nearby, so this is a clean-up article.

Making this change conforms to the actual use of the property and fits in much better with the current language in the zoning bylaws that says "except as hereinafter after provided, no land in a residential district shall be used for off-street parking accessory to or service a structure or use in a Commercial Industrial Highway Plan use or Highway Mixed Use district."

Article 7 aligns with the language of the bylaw, which was passed by Town Meeting when the DM district was called Commercial-I (C-I) and makes it now appropriate for the use. In no way does this indicate any change from its current use as a parking lot. It is not a sign of expansion, but rather, making de jure what has previously been de facto and fixing the zoning.

Ms. Evans noted that for Articles 1, 7, 12, and 20, Mr. Freas did something that has not been a prior practice for Town Meeting Articles. Because these Articles were site-specific, he sent out notices to abutters about the Articles so that they could be aware of the upcoming change so that if they had an issue, they could have a chance to speak on it. Several comments were received from residents who were concerned about the impact of the parking lot being re-zoned to DM use and whether it would be re-developed as a result and the answer is that it will not.

Mr. Michael Hickey, Select Board member, said the Planning Board has done a lot of work on this and Select Board expressed its interest in supporting and willingness to co-sponsor Article 7 with the Planning Board.

The Finance Committee Chair noted that the Planning Board voted to 4-1-0 to recommend Favorable Action. Natick Center Associates sent a letter supporting Article 7 and the Economic Development Committee voted unanimously to support of Article 7.

A member asked what the maximum height is in the DM district and Mr. Freas said 50 feet.

A member opined that if the town decided to sell the parking lot for development there could be a 50 foot building with a minimum setback could be built on that parking lot. Mr. Freas said the Pond Street lot is a town-owned property and therefore, any decision to either long-term lease or sell that property would have to go through a 30B land disposition process, which involves Town Meeting as well as the Select Board. Such a process would include laying out the specifications for the potential development of the site. Further, any development of the site would most certainly go through Planning Board review, both site plan and likely special permit. All of these activities would be noticed and open to the public for comments. Ms. Evans noted that right now it's zoned Residential General (RG), which has a 40 foot building height.

A member asked whether the owners of the two adjoining buildings were consulted about this change. Mr. Freas said he spoke directly with the owner of the Medical Office property and the owner has no concerns about the change. The other property owner did not respond to numerous requests. Further, we provided notice not only to those properties but also the surrounding properties within 300 feet received a postcard with regard to this re-zoning.

A member asked whether there were any responses from the postcard recipients. Mr. Freas said he received a response from one of the neighboring property owners who wanted to understand the intent and implications of the rezoning. Ms. Evans and I spoke with representatives of that person at different times and their concerns were allayed. Further, no one came to the public hearing, the event advertised by the postcard to speak on this item.

A member questioned whether the parking lot should be the same use as the surrounding zoning. Mr. Freas said it makes sense for the parking lot to be DM because it is used for both commercial and residential. Ms. Evans added that it is used for institutional commercial parking and that there are parking passes that some adjoining businesses purchase to support their clients, customers, or in some cases, staff.

A member asked whether there is a negative impact to leaving it in non-conformance with adjoining properties. Ms. Evans stated that the bylaws say that property in residential districts cannot be used in support of parking for commercial businesses in commercial districts. Cleaning this up prevents someone challenging whether this parking could be used for the commercial businesses that need this

parking. Given that parking is already a challenge, changing the zoning would help the town avoid the possibility of losing more downtown parking.

# ARTICLE 8 AMEND ZONING BYLAWS: Uses in Downtown Mixed Use (DM) District (Select Board and Planning Board)

#### ARTICLE LANGUAGE

To see if the Town will vote to amend the Town of Natick Zoning Bylaws by modifying Section III-E.2 (Use Regulations Schedule for DM Districts) and Section 200 (Definitions) and other sections of the Bylaw, as required, regarding restaurants and eating establishments

Or otherwise act thereon.

#### PURPOSE OF THE ARTICLE

To change the use regulation for outdoor dining in the Downtown Mixed Use (DM) district from a use requiring a special permit to an as-of-right use.

#### FINANCE COMMITTEE RECOMMENDATION – MOTION A

The Finance Committee took the	RECOMMENDATION:	Favorable Action
	QUANTUM OF VOTE:	11-0-0
following action:	DATE VOTED:	September 22, 2020

#### **MOTION A** (Requires a 2/3 Vote)

Move to amend **Section III-E Downtown Mixed Use District** of the Natick Zoning Bylaws by the following:

#### 2. Use Regulations for DM Districts; Subsection a. – Permitted Uses

In subsection 17, after the words "Eating establishments" remove the words "serving customers inside of the building" and, after the words "mechanical entertainment", add "Outdoor dining is allowed provided that: i. A minimum six (6) foot clear path is maintained free of obstruction in any pedestrian pathway or sidewalk; ii. The outdoor dining area is at least 50 feet from a residential district; iii. where an outdoor dining area will abut a street or parking area, the Police Department and Department of Public Works have provided written approval of protective measures to prevent vehicular intrusion into the outdoor dining area; and iv. the proposed outdoor dining area complies with all other Town and State rules and regulations."

So that the section now reads:

- 17. Eating establishments without live or mechanical entertainment. Outdoor dining is allowed provided that:
  - i. A minimum six (6) foot clear path is free of obstruction in any pedestrian pathway or sidewalk;
  - ii. The outdoor dining area is at least 50 feet from a residential district;
  - iii. Where an outdoor dining area will abut a street or parking area, the Police Department and Department of Public Works have provided written approval of protective measures to prevent vehicular intrusion into the outdoor dining area; and
  - iv. The proposed outdoor dining area complies with all other Town and State rules and regulations.

#### FINANCE COMMITTEE PUBLIC HEARING AND DISCUSSION

Ms. Wollschlager stated that the Planning Board recommended Favorable Action for Article 8 Motions A and B by a vote of 4-1-0.

#### Presenters:

Ms. Terri Evans, Chair, Planning Board

Mr. James Freas, Director, CED

Mr. Freas said Article 8 covers outdoor dining, which is currently allowed in the DM district by Special Permit only and makes outdoor dining a by-right use with certain conditions. Those conditions are:

- i. A minimum six (6) foot clear path is maintained free of obstruction in any pedestrian pathway or sidewalk;
- ii. The outdoor dining area is at least 50 feet from a residential district;
- iii. where an outdoor dining area will abut a street or parking area, the Police Department and Department of Public Works have provided written approval of protective measures to prevent vehicular intrusion into the outdoor dining area; and
- iv. iv. the proposed outdoor dining area complies with all other Town and State rules and regulations."

Mr. Freas stated that this bylaw builds off our experiences this summer, in seeing the value of the flexibility that outdoor dining brings to restaurants. This bylaw applies only on private property. If one were seeking to do outdoor dining on the sidewalk or in a parking lot, as has been done under these special circumstances this summer, that would still require specific approval of the Select Board. Ms. Evans credited Mr. Munnich for pointing out that outdoor dining in DM was required by Special Permit where conventional internal dining did not and that there are places in downtown that lend themselves to café-style dining where space permitted it.

A member asked for an example of the minimum six foot clear path in any pedestrian pathway or sidewalk. Mr. Freas said there are a number of situations where you have a sidewalk or a designated pedestrian path on private property and we want to ensure that those spaces are kept clear. Ms. Evans said there has been discussion on the current application for One South Main at the prospect of having some outdoor dining on the side of the building facing Pond Street. The bylaw creates a mandate that, even if the property line extends into the sidewalk, a six foot clearance must be maintained. This ensures clear, safe passage – sidewalks on public property are not available for dining; the only exception is due to the Governor's temporary order during COVID.

A member asked if much of Main Street has sidewalks on private property. Ms. Evans said sidewalks are on private property in Clark's Block and that private property includes not only the sidewalk but also and a small part of the street. It's an anomaly that poses a challenge about when a new business goes in, where would it put parking because the building fills the whole block and the sidewalk.

A member asked whether other businesses in town outside of the DM area could benefit from a similar, more relaxed standard for outdoor dining. Ms. Evans said one of the most common places that you can see it is at the Natick Mall where many of the uses are coming under a larger Special Permit for Natick Mall, so some outdoor seating is dealt with there. And it may be that there is a desire elsewhere. I think that was actually the case also for the new hotel on Speen Street where the back of the hotel has an outdoor, bar-like area on the west side of the hotel patio. That was covered under the larger Special Permit for the hotel.

A member asked whether people walking between tables within an outdoor dining area run the risk of public drunkenness laws. Mr. Freas said one of the state requirements for outdoor serving of alcoholic beverages is that the space in which it's going to happen is demarcated by fencing or roped-in in some manner with a clear entry and exit point, so one cannot simply get up from one's table and wander out of the dining area. And it has to be under observation from the staff of the restaurant at all times. Mr. Freas said the Special Permit is an aspect of the zoning bylaw. Alcohol licensing happens under a separate body of law (Select Board)

Mr. Foss, Town Moderator opined that Article 8 is written in a quirky way and we may run into problems unless there are some exemptions given. The sponsors said that there are buildings that have easements where the sidewalk is on their property and I think there is even a case of a building on Town property. There has to be some consideration so that there's no confusion that those easements are taken into account. Mr. Foss recommended that the Planning Board and Select Board consider how to handle scenarios where the entities that own the property or have buildings on that property or right-of-way cannot have a setback on property they don't own, i.e., an easement. Mr. Foss suggested that Mr. Freas check with Town Counsel on this issue.

#### FINANCE COMMITTEE RECOMMENDATION – MOTION B

The Finance Committee took the following action:	RECOMMENDATION:	Favorable Action
	QUANTUM OF VOTE:	11-0-0
	DATE VOTED:	September 22, 2020

MOTION B (Requires a 2/3 Vote)

Move to amend **Section III-E Downtown Mixed Use District** of the Natick Zoning Bylaws by the following:

#### 2. Use Regulations for DM Districts; Subsection b. – Uses Allowed on Special Permit Only:

In subsection 5, after the words "mechanical entertainment" remove the words "or service to customers outside of the building".

So that the section now reads:

5. Eating establishments providing live or mechanical entertainment.

## ARTICLE 9 Sherborn Sanitary Sewer Extension (Pulte Homes) Intermunicipal Agreement (Town Administrator)

#### ARTICLE LANGUAGE

To see if the Town will vote to authorize the Select Board to enter into an Intermunicipal Agreement with the Town of Sherborn for the receipt of sanitary sewerage for a term of up to 99 years on such terms and conditions that the Board determines are in the best interest s of the Town; and further to see if the Town will authorize the Select Board to take any and all action necessary to effectuate such agreement including, but not limited to, petitioning the General Court for a special act authorizing said agreement

Or otherwise act thereon.

#### PURPOSE OF THE ARTICLE

To authorize the Select Board to enter into an agreement with the Town of Sherborn to accept sanitary sewerage, and petition the General Court to authorize the agreement

#### FINANCE COMMITTEE RECOMMENDATION

The Finance Committee took the following action:	RECOMMENDATION:	No Action
	QUANTUM OF VOTE:	11-0-0
	DATE VOTED:	September 29, 2020

**MOTION** (Requires a Majority Vote)

Move No Action on the subject matter of Article 9

#### FINANCE COMMITTEE PUBLIC HEARING AND DISCUSSION

The Town Administrator requested No Action on Article 9

#### **ARTICLE 10**

# Authorize Special Legislation Article 97 Land Disposition of a Portion of 181 West Central Street (Natick Affordable Housing Trust Fund)

## ARTICLE LANGUAGE

To see if the Town will vote:

- A. To authorize the Select Board to petition the General Court for the creation of special legislation in support of the disposition of approximately 1.25 acres of land subject to the provisions of Article 97 of the Articles of Amendment to the Constitution of the Commonwealth of Massachusetts. Such land is a portion of the approximately 2.25 acre parcel at 181 West Central Street and would be repurposed for the creation of affordable housing with preference to veterans as permitted by the funding source or other requirements. The precise description of the disposed land shall be determined by a property survey commissioned by the Affordable Housing Trust Fund prior to the submission of the petition to the General Court.
- B. To grant compensatory land from one or more Town- or Trust-owned parcels, in accordance with any necessary requirements of Article 97.

Or otherwise act thereon.

# PURPOSE OF THE ARTICLE

A necessary regulatory step in the fulfillment of the Natick Affordable Housing Trust's vision for the creation of affordable veteran's housing at the 181 West Central property, the site of the Henry Wilson memorial.

#### FINANCE COMMITTEE RECOMMENDATION – MOTION A

The Finance Committee took the	RECOMMENDATION:	No Recommendation
following action:	QUANTUM OF VOTE:	Referral 6-1-2
following action.	DATE VOTED:	September 10, 2020

MOTION A

None

# FINANCE COMMITTEE RECOMMENDATION – MOTION B

The Finance Committee took the	RECOMMENDATION:	No Recommendation
	QUANTUM OF VOTE:	Referral 5-1-5
following action:	DATE VOTED:	September 10, 2020

#### **MOTION B**

None

#### FINANCE COMMITTEE PUBLIC HEARING AND DISCUSSION – MOTIONS A & B

The Finance Committee met to discuss Article 10 at a meeting on September 10, 2020.

Presenter: Mr. Randy Johnson, Chair Natick Affordable Housing Trust Fund (NAHTF). Mr. Bill Verner introduced the idea of creation of veterans housing in Natick to the Trust. Mr. Verner had a proposal that was created after looking at various town-owned properties, reviewing them for criteria such as proximity to transportation, proximity to services, proximity to shopping, and impact on neighborhoods of veterans housing. He observed that in the MetroWest area, between Worcester and Boston, there weren't any veteran's housing developments. The proposal was that the Henry Wilson site at 181 West Central Street would be an ideal location for creation of veterans housing.

Mr. Johnson noted the synergy between veterans housing and the Henry Wilson site, because Henry Wilson had extensive military service and I think he was Secretary of the Army for a while. Mr. Verner saw this combination of veterans housing and the Henry Wilson Memorial as a perfect fit of providing the veterans housing and enhancing the existing Memorial sites.

#### The trust:

- Commissioned a firm to research the deed to see if there any restrictions on the use of this property
- Had a hearing with the Conservation Commission to deal with some potential wetlands issues.
- Hired a wetlands scientist and will be commissioning a survey of the site
- Met with both the Conservation Commission and the Recreation and Parks Department and both are in favor of this proposal

The Trust won an affordable housing competition run by the Federal Home Loan Bank to have a team of graduate students analyze the project in terms of design, financial feasibility, and regulatory availability and put together a complete project description. Trust member Mr. Ganesh Ramachandran was on this graduate student team.

Mr. Ramachandran presented an overview of the Wilson Gardens design project.

He noted that this is an opportunity to create the first inter-generational veterans housing community in MA, an opportunity for synergy between affordable housing production, the preservation and transformation of public open space, and an opportunity to celebrate the history of Natick and the legacy of Henry Wilson. The site is accessible to public transportation (train station) and within walking distance to a grocery store, pharmacy and a whole range of neighborhoods. The project's financing strategy is to utilize available external funding to minimize the amount of grant needed from state or local funds.



Mr. Johnson noted that Article 10 is a two-pronged approach. The first is to secure Town Meeting's approval of the land use change from open space/park land to land dedicated for the veterans housing. As part of that, the Select Board would be authorized, after an affirmative town meeting vote, to petition

the MA legislature to create special legislation to enact the Article 97 land disposition. Motion A is the motion to make that request of Town Meeting. Motion B is part of the Article 97 process, where there needs to be compensatory land added to the town's Article 97 land that is at least equal to the land being taken out of Article 97 designation.

For the proposed compensatory land swap, the two parcels have been identified that would be equivalent in area to the proposed 1.25 acres of land disposed out of Article 97 land. One parcel is currently controlled by the NAHTF which is 69 Bacon Street, which is 0.55 acres. The other parcel is the current West Natick Fire station, which has a total area of 0.74 acres for a total acreage of 1.29 acres that would be designated as Article 97 land.

# **Questions from the Committee**

A member asked if land reconfiguration would needed due to the site topography and asked if that would be allowed close to the wetlands. Mr. Johnson said it is not a regulated wetland area - the only issue that came up was whether it was isolated land subject to flooding and it was determined not to be subject to flooding. Further, Mr. Johnson said the zoning approach would a friendly 40B project. A friendly 40B project is exempt from any local bylaws, including the local Natick bylaw for wetlands protection. There's nothing in the existing topography that is an absolute regulatory obstacle.

A member asked what the anticipated number of units and distribution of bedroom units. Mr. Johnson said there are 48 units in the proposed project, but he did not recall the mix of units and emphasized that the actual number of units may change. The development process will involve an RFP to developers – the Trust will not be the developer of this project.

A member asked whether they had reviewed this project with the town's Veteran's agent and what support services might be offered to veterans if this project went forward. Mr. Ramachandran said they had a fairly encouraging response to a community meeting that was organized at the Natick Community Senior Center where there were about 35 veterans who attended that meeting. Support services are a key part of the project - there's a gym, a commercial kitchen, some office spaces, including one for the Veterans Service Officer. One of the funding sources is the Veterans Administration, so there is a room for someone from the VA to use.

A member asked whether there a guarantee that all of the units would go to veterans and how many of the units would go to market value. Mr. Johnson said there would be no market value units. The guarantee to veterans is not something we can answer at this point. The Trust can only say the intent is to make maximize service to veterans as much as possible. The Trust will issue an RFP that outlines the program for development at that time. 100% veterans housing happens all the time in the state. Mr. Ramachandran added that the basis of the funding is low income housing tax credits so it has to be 100% affordable housing. However, if there are units that are vacant or if they do not have enough veterans to fill those units, they can be made available to other people who qualify for low income housing. bedroom housing.

A member asked for clarification of the properties that would go into Article 97 land to replace those used in this development. Mr. Johnson said the properties are an area that abuts the Jehovah Witness property – there is a structure on the map, but it's a dilapidated remnant of a poorly constructed house.

The member noted that the other parcel is where the West Natick fire station is located and wondered if the new fire station driveway or other elements cross the old station site. Mr. Johnson said he asked for clarification on this question from various Natick Town administration departments and has not received that yet.

A member asked whether all the low-income housing units count towards the town's safe harbor status from unfriendly 40B projects. Mr. Johnson said it would.

A member asked whether the former West Natick Fire Station has been designated as a park by the town. Mr. Johnson said multiple sources have said there is intent to use the site for park land and when the Trust meets with the Select Board, that will be verified.

A member asked about the sequence of activities to take this land out of Article 97 status. Mr. Johnson replied that this Article is a critical step in the town's acknowledgement that a portion of this site can be used for the proposed affordable housing veterans' project. The next step is the regulatory process of Article 97 that would formally allow usage of land that was previously open space for an alternative use.

A member asked for an explanation of the relationship between the two motions in the article – do both need to be passed at the same time? Mr. Johnson said Motion A could pass and just establish there's the intent to proceed with an Article 97 process, but the process can't go through until some action similar to Motion B happens. Right now, Motion B is a terrible motion because it does not define the two parcels that the Trust has in mind to put into Article 97. The intent is to fine tune Motion B with specific reference to the parcels after we have confirmation from the Select Board that the West Natick station is eligible for this.

A member asked if there any specific reasons why you're proposing this to Town Meeting right now, without having the details worked out. Mr. Johnson said there are no time-critical issues tied to funding sources. These projects take probably 3-4 years. Getting the basic groundwork done shortens that time period. One of the Trust members noted that in 2023, it's going to be the 150<sup>th</sup> anniversary of Henry Wilson's inauguration as Vice-President, so our target date for ribbon cutting is 2023.

A member noted that buildings exist on both the proposed parcels to be added to Article 97 for compensation and asked whether they must be cleared to be put in Article 97. Mr. Johnson said he envision have a memo of understanding (MOU) signed by the Trust and the appropriate parties that these parcels will be used as park land. The Trust has asked this question of Town Counsel and expects to ask this question as they fine tune the location of the parcels for the land swap.

A member asked if NAHT would be involved in the management and maintenance of this building. Mr. Johnson said NAHT would be minimally involved and its role is to get this projected started and

approved. The Trust's role is to work on pre-development issues to the point of getting the RFP out. A developer would be selected during the RFP process, and then the Trust may engage in design review type meetings or verifying adherence to the intent of the RFP. Once the building is developed, the Trust is hands-off.

#### **Public Comments**

Mr. Frank Foss, Town Moderator noted that he didn't think he had seen an Article before Town Meeting where land was transferred or acquired with anything less than a two-thirds vote and was relieved to hear the Trust was going to ask Town Counsel for clarification and to have Town Counsel review both motions. Mr. Foss encouraged that the Article be very clear about which properties you're proposing, by location and lot and the Registry of Deeds is probably the best way to do that.

Mr. Paul Griesmer noted that it seems like they are taking the parcel where the Cobbler shop memorial is and bisecting it at a right angle to Route 135 and the proposed project looks to be a five story building. My questions are: 1) whether the proposed site is adequate to support a five story building; 2) In the preliminary sketch of the building, - there's a reference to an MBTA easement – can that be extinguished or is it not in the way.

Mr. Martin Kessel, Chair, Natick Open Space Advisory Committee opined that he has been on the Committee for twenty years and they never have had occasion to take land out of Article 97 and replace it with other land. I agree that we get advice from Town Counsel because the state, rightfully, makes it very difficult to dispose of Article 97 land because there's always a temptation to use that space for something else that's a good purpose or to sell it off. Because our committee wanted to get more information on it, we haven't voted on a position on this Article yet. However, we have talked about some points of fact and concerns: 1) Most of Henry Wilson Park is not being used, so some people might say it has little value. However, in the Parks and Fields Master Plan commissioned in 2016 there was a design there was an example of a park that could be built on this site, if desired. The Parks and Fields Master Plan was endorsed in principle in the Natick 2030 Master Plan. 2) We just did an update of our Open Space and Recreation Plan and confirmed that West Natick is deficient in open space compared to other parts of town. 3) Another issue we became aware of is this MA goal of environmental justice that seeks to provide open space to people in disadvantaged populations who historically have not had access to open space. In Natick, the only environmental justice district designation is the apartments along West Central Street, the closest protected open space to those to that district. 4) MA says that land removed from Article 97 must be exchanged for other open space of equal or greater value, not just not only equal acreage and I have concerns about both parcels.

Motion A as provided by the Sponsor had a motion for Favorable Action which failed 3-1-5. There was also a motion for referral which failed 6-1-2 as it did not achieve the quantum of votes necessary for a recommendation by the Finance Committee.

Comments from members in debate:

Once that land is taken out of the open space inventory, we're stuck with that decision. The goals and intention of the Trust are laudable, but when it gets turned over to a developer, we lose that. The fact that there's no guarantee that occupancy will be veterans is problematic.

A member is concerned about the statement of whether this property could support a five-story building and it might have to go closer to Mill Street. If we specify exactly what part of the park is taken out of Article 97, the Trust might back itself into a corner.

The location checks every box for where you would put veteran housing in terms of the amenities - walking distance to transportation, making sure there's a grocery store within walking or biking distance, proximity to a pharmacy. This project will service a very underserved community that does a lot for every person in this town.

A member favors positive action and cited that it's an admirable project. If any of the concerns expressed proved to be fatal, then it's fatal to the project. There's nothing that can't be unwound, so I don't see that as a problem. The only thing I hesitate about on this project is I wish there was a better location that was quieter and not so near the train tracks to minimize the noise to our veterans.

A member agreed that this site is a great location for the project and the purpose of the project is laudable and valuable. Being a member on this committee is about ensuring that good things happen in for the community in a way that protects the interests of the town. We should be a sanity check that things are being done with due diligence but don't feel we're there yet, with issues on open space and how this project would affect safe harbor and 40B issues unresolved.

I've been on this committee for a while and we've frequently heard about the paucity of veterans housing in MetroWest and this is our opportunity to do something about it. I applaud all the efforts that have gone into this project and support Motion A.

A member was uncomfortable telling Town Meeting that we're ready to go ahead with right now and hopes we can come back in the spring with many of these questions answered.

# Motion B as provided by the Sponsor had a motion for Favorable Action which failed 3-1-5. A motion for referral also failed 5-1-3.

Comments from members in debate:

West Natick loses a large parcel of open space on Route 135 for a sliver of park space up on Route 9 – that's not equitable to the citizens of West Natick.

This is the first step in a process that will take a while to achieve, so I'm amenable to moving in a positive direction, even if there are some flaws initially.

If the proponents can come back with concrete information and answers to the questions raised tonight, that is considered new information and we may be able to move forward with a recommendation to Town Meeting.

# Motion A Provided by the Sponsor (requires a 2/3 vote)

Move to authorize the Select Board to petition the General Court for the creation of special legislation in support of the disposition of approximately 1.25 acres of land subject to the provisions of Article 97 of the Articles of Amendment to the Constitution of the Commonwealth of Massachusetts. Such land is a portion of the approximately 2.25 acre parcel at 181 West Central Street and would be repurposed for the creation of affordable housing with preference to veterans as permitted by the funding source or other requirements. The precise description of the disposed land shall be determined by a property survey commissioned by the Affordable Housing Trust Fund and preliminary design studies prior to the submission of the petition to the General Court.

# Motion B Provided by the Sponsor (requires a 2/3 vote)

Move to grant compensatory land from one or more Town- or Trust-owned parcels, in accordance with any necessary requirements of Article 97.

~~ END OF ARTICLE ~~

# ARTICLE 11 AMEND ZONING BYLAWS:

# Single Family Residential Cluster Development (Planning Board)

# ARTICLE LANGUAGE

To see if the Town will vote to amend the Zoning By-laws to consolidate, modernize and simplify Residential Cluster development provisions by Replacing in their entirety Sections III-1.F - III-5.F with a new Section III-F.1 that:

- 1. Addresses the following topics:
  - a. Purpose and Intent;
  - b. Applicability;
  - c. Permitted and Allowed Uses;
  - d. Procedures;
  - e. Criteria;
  - f. Development Area;
  - g. Number of Dwelling Units;
  - h. Cottage Dwellings;
  - i. Intensity Regulations;
  - j. Exceptions to the Otherwise Applicable Intensity Regulations;
  - k. Cottage Development Alterations Restrictions;
  - 1. Age Qualified Housing Units;
  - m. Affordability;
  - n. Building Design Criteria;
  - o. Preserved Open Space;
  - p. Parking;
- 2. Amends, modifies, or adds to Article I, Section 200 Definitions, including without limitation defining any aspect of the provision(s) for 'Cottage Development', 'Preserved Open Space', 'Development Area' and 'Net Usable Land Area' to the Town of Natick Zoning Bylaw;
- 3. Amends modifies or adds to Article III.A.2

Or otherwise act thereon.

## PURPOSE OF THE ARTICLE

To consolidate the five existing cluster bylaws into one coherent bylaw; to provide cluster provisions for smaller parcels (current provisions require 15+ acres); to create incentives for the creation of smaller housing units; and to incorporate sustainable building strategies.

#### FINANCE COMMITTEE RECOMMENDATION – MOTION A

The Finance Committee took the following action:	RECOMMENDATION:	Favorable Action
	QUANTUM OF VOTE:	12-0-0
	DATE VOTED:	September 15, 2020

# **MOTION A** (Requires a 2/3 Vote)

MOVE to amend the Natick Zoning Bylaws by removing in their entirety Section III-1.F – Section III-5.F and inserting a new section entitled "Section III-F.1 "Single Family Residential Cluster Development" after "Section III-F. Cluster Development Allowed in Certain Districts", so that Section III-F.1 now reads:

# III-F.1 SINGLE FAMILY RESIDENTIAL CLUSTER OPTION - RSA, RSB & RSC DISTRICTS

## 1. PURPOSE AND INTENT:

<u>Single Family Residential Cluster (SRC)</u> is a development option designed to help the Town maximize available land for open space and diversify Natick's housing stock with a variety of dwellings, including accessible or age-qualified units. Residential cluster development also helps preserve Natick's local character, minimizes the amount of impervious surfaces on residential lots, improves neighborhood connectivity and advances the goals and policies of Natick's Comprehensive Master Plan and its Open Space and Recreation Plan.

Clustering fosters a more economical and efficient use of residential land than may be accomplished through standard subdivision development by utilizing Open Space Residential Design (OSRD) and Low Impact Design (LID) principles encouraged by the Massachusetts Executive Office of Environmental Affairs (EOEA) to protect the existing character of the landscape and preserve more public open space for water supply, wetland, and other natural habitat, conservation, and recreation. In addition, cluster development reduces the typical costs of providing municipal services to residential developments. SRC development is an optional alternative in the Residential Single (RSA, RSB or RSC) zoning districts.

## 2. APPLICABILITY

The Special Permit Granting Authority (SPGA), as hereinafter provided, may grant Special Permits for SRC in accordance with Section VI-DD and VI-EE of these by-laws and subdivision approval in accordance with the subdivision rules and regulations, and other rules and regulations as adopted pursuant to Section III-F.1.4(c) herein, for the construction and occupancy of a SRC located in RS A, RS B or RS C zoning districts, provided that the gross land area of the development parcel is at least two (2.0) or more acres (87,120 square feet).

The applicant must either own or submit authorization in writing to act for all the owners to the lots comprising the parcel prior to submitting a formal application.

# 3. PERMITTED AND ALLOWED USES

The SPGA may grant Special Permits pursuant to the provisions of the By-Law and M.G.L. Chapter 40A for the following uses:

- a. Single-family dwellings provided that the total number of such dwellings does not exceed the total number of units permitted for the entire SRC pursuant Section III-F.1.7 herein and which meet the dimensional requirements of single family lots as stated in Section III-F.1.9(a) herein.
- b. Small single-family cottages (SFC) pursuant Section III-F.1.7 and which meet the dimensional requirements of cottage lots as stated in Section III-F.1.9 (c) herein.
- c. Town houses provided that the total number of such dwellings does not exceed the total number of units permitted for the entire SRC pursuant Section III-F.1.7 and which meet the dimensional requirements of town home lots as stated in Section III-F.1.9 (b) herein.
- d. Indoor & outdoor tennis courts, swimming pools and other non-commercial active recreational facilities with use restricted to residents of the SRC, including accessory structures necessary for appropriate non-commercial use and operation of such recreational facilities.
- e. Open space, accessible to the public, subject to Section III-F.1.14.
- f. The SPGA may adopt regulations further controlling the relative percentage mix of single-family dwellings, single-family cottages, town houses, and age-qualified housing units.

#### 4. PROCEDURES:

The procedures for obtaining Special Permit for SRC are:

a. <u>Pre-Application:</u> To promote better communication, reduce pre-development costs and increase efficiency, the applicant shall request a SRC Pre-Application Review with the Community and Economic Development Department and staff of the Conservation Commission, Board of Health, Department of Public Works and any other Department, Board and/or Committee with interest in the proposal to the pre-application review. At the SRC Pre-Application Review, the applicant may outline a proposal, seek preliminary feedback from town staff, and set a timetable for submittal of a formal application. At the request and expense of the applicant, the SPGA may engage technical experts to review the informal plans of the applicant and to facilitate submittal of a formal application for Special Permit Approval of a SRC.

In order to facilitate review at the SRC Pre-Application stage, applicants must submit three (3) copies of the following information to the Community and Economic Development Department:

- i. Residential Conservation Analysis Map. This map illustrates the parcel in relation to its surrounding neighborhood and displays existing conditions on the property. It shall include the most recent color orthographic photo of the project area, land within 300 feet of the project area, and parcel lines, and be prepared and stamped by a registered professional engineer, landscape architect or professional land surveyor at the scale of 1" = 100' or of greater detail. The plan shall document the presence (if at all) of the following features: wetlands, riverfront areas, floodplains and steep slopes (slopes greater than 15%), mature un-degraded woodlands, hedgerows, farmland, unique or special wildlife habitats, Natural Heritage and Endangered Species Program (NHESP) features, historic or cultural features (such as old structures, stone walls), unusual geologic formations, potential foot, bicycle, horse, ski, snowmobile or wildlife connections to adjacent or nearby undeveloped lands, and scenic views in to and out from the property. Overlaying this plan onto a development plan identifies areas where conservation priorities and desired development overlap and/or conflict. This map will delineate three areas for the SPGA's review:
  - 1. PRIMARY CONSERVATION AREAS: areas containing the proposed Preserved Open Space, where development will be prohibited, which shall be permanently protected and which shall, to the extent feasible, be contiguous and meet the conservation goals of Natick's Comprehensive Master and Open Space and Recreation Plans. Refer to Section 14 for more information;
  - 2. POTENTIALLY DEVELOPABLE AREA: areas containing the proposed Development Area, where structures, driveways, roadways, and other elements in the SRC development are proposed to be located. Refer to Section 6 for more information.
- ii. <u>Conceptual Subdivision Plan</u>. This plan shall display the layout of single-family house lots according to relevant dimensional regulations for the underlying Single Family Residential District in Section IV-B herein.
- b. <u>Formal Application:</u> The applicant for a SRC shall submit to the SPGA a formal application for a Special Permit which includes a preliminary cluster subdivision plan and the Residential Conservation Analysis Map. The application shall be filed in the name of the record owner(s) of the parcel(s) to be developed. The date of application shall be the date when filing is made with the SPGA.
- c. <u>Conservation Analysis and Finding</u>: The SPGA shall, in the course of its Special Permit review, study the Residential Conservation Analysis Map and shall make a Cluster Conservation Finding that shall be incorporated into its actions on the Special Permit. The SPGA may waive portions of the required submittal for a Residential Cluster Analysis when the SPGA first consults with the Conservation Commission and any other Committee and/or Board, and determines that the waived portion of the conservation analysis is not relevant and useful to decisions about a particular project area and would impose an undue hardship on the applicant and serve no benefit to the town.

In making its Cluster Conservation Finding, the SPGA shall:

*i. Notify the applicant forthwith if the information provided is incomplete or appears to be in error;* 

- ii. Provide a copy of the Conservation Analysis to the Conservation Commission and any other Committee and/or Board within 14 days of receipt;
- iii. Consult with the Conservation Commission any other Committee and/or Board, the most recently adopted Comprehensive Master Plan, and the most recently adopted Open Space and Recreation Plan; and
- iv. Identify which areas are most important to protect from development and which conservation values should be optimized in project design. The priority shall be to identify opportunities for protection of ecologically sensitive areas, contiguous un-fragmented forestland, timber and forest management, wildlife habitat and habitat connectivity, hunting, fishing, gathering, agricultural activities, farmland, water supply areas, vistas, historic and pre-Columbian features, rural character features, trail links, and other unique attributes.
- d. <u>Further Procedures:</u> The hearing and further proceedings regarding the application shall be in accordance with M.G.L. Chapter 40A; M.G.L. Chapter 41, Section 81K et seq; and the Town of Natick By-laws. The SPGA may adopt Rules and Regulations for the proceedings under Section III-6.F, and in accordance with M.G.L. Chapter 41, Section 81A, and 81Q; and may waive strict compliance therewith, in accordance with M.G.L. Chapter 41, Section 81R.

# 5. CRITERIA:

Approval of the application for a Special Permit and for subdivision approval to allow the <u>construction</u> of a SRC shall be granted only upon SPGA determination that the cluster plan is superior to a <u>conventional subdivision plan</u>.

- a. The following criteria shall be used to make the determination as to whether or not the plan is superior:
  - i. The preservation of open space for conservation or passive recreation and other objectives, including appropriate public accessibility and connectivity to other open spaces, as delineated in the town's current Comprehensive Master and Open Space and Recreation Plans;
  - ii. The protection of significant, large and contiguous areas of natural features of the land which would avoid extensive topographic change necessitating vegetation and tree removal or earth removal:
  - iii. The protection of historical or other significant features;
  - iv. More efficient provision of street, utilities and other public services;
  - v. The provision of a diversity of dwelling unit styles, sizes, and architectural elements;
  - vi. Less sprawling and more efficient forms of residential development using Low Impact Development (LID) principles to conform to existing topography and natural features; and
  - vii. Reduced energy consumption and greenhouse gas emissions.

- viii. The plan works to buffer adjoining properties from objectionable features such as highways or rail lines.
- b. Specific means of achieving plan superiority include:
  - i. Avoidance of frequent driveway openings onto through streets, or near street intersections;
  - *ii.* Avoidance of extensive topographic change necessitating vegetation, earth and/or tree removal:
  - iii. Preservation of scenic views from public ways in conformance with the goals of Natick's Comprehensive Master and Open Space and Recreation Plans;
  - iv. Preservation of natural landscapes in large contiguous areas and corridors, which are visible from roadways and residences, enhancing the likelihood of the continuation of existing ecosystems and providing an interconnection to adjoining open spaces for both wildlife and public access, in conformance with and to achieve the goals of Natick's Comprehensive Master and Open Space and Recreation Plans;
  - v. Accessibility of the Preserved Open Space to substantially all of the dwelling units and the public, in conformance with and to achieve the goals of Natick's Comprehensive Master and Open Space and Recreation Plans;
  - vi. Variations in lot sizes, building styles, building sizes and building arrangements; and
  - vii. Use of Preserved Open Space to protect significant natural environment such as but not limited to ground water recharge areas; wetlands that provide flood protection; stream valleys; outstanding vegetation; woodland; field and wetland habitat; or scenic spots; and to avoid development on geologically unsuitable land.

# 6. PRESERVED OPEN SPACE AREA:

Single-Family Residential Cluster (SRC) developments preserve publicly accessible open space in larger tracts of developable land, by setting aside a portion of the parcel area for Preserved Open Space, leaving a Development Area as set forth below:

- a) The <u>Preserved Open Space</u> Area shall comprise not less than <u>FIFTY (50) PERCENT</u> of the total land area of SRC on parcels measuring <u>less than ten (10) acres</u> for which there is a Final Special Permit and will not include rights of way for roads, lots for single-family houses, cottages or town houses (attached or detached) or recreational facilities as defined in Section III-F.1.3(d).
- b) <u>Preserved Open Space</u> Area shall comprise not less than <u>SIXTY (60) PERCENT</u> of the total land area of SRC on parcels encompassing <u>ten (10) or more acres</u> for which there is a Final Special Permit and will not include rights of way for roads, lots for single-family houses, cottages or town houses (attached or detached) or recreational facilities as defined in Section III-F.1.3(d).
- 7. NUMBER OF DWELLING UNITS:

The maximum number of dwelling units (in full-size single-family homes or town houses) allowed in a SRC shall equal the "Net Usable Land Area" within the parcel divided by the Minimum Lot Area requirements for single-family homes in the host Single Residential zone, as determined by Section IV-B of these By-Laws, then rounded up to the nearest whole number. This number of dwelling units is multiplied by an Adjustment Factor determined by the average size of homes to be developed, as shown in the schedule below:

Average Dwelling Size (Gross Floor Area)	Adjustment Factor (Single-family
houses/townhouses)	
Less than 1,500 square feet	1.30 (130%)
1,500 – 2,000 square feet	1.10 (110%)
More than 2,000 square feet	1.0 (100%)

In all SRC, at least thirty percent (30%) of all dwelling units shall contain no more than 2,000 square feet of Gross Floor Area.

As used herein, "Net Usable Land Area": shall mean the total land area of the parcel minus wetlands or land within the 100-year flood elevation as shown on Town wide Drainage study maps or as delineated by a qualified wetland scientist. Furthermore, if the Final Special Permit includes a recreational facility, all the land area dedicated to that facility will be deducted from the "net usable land area" for the purpose of calculating the maximum number of dwelling units.

**Example #1:** An applicant proposes to develop a subdivision of single-family homes (averaging 1,900 square feet in Gross Floor Area) on a five-acre (217,800 square feet) lot in an RSA zone with no wetlands or 100-year floodplains. In this case:

- 1. The development site has a Gross Land Area of 5 acres (217,800 sf); with no wetlands or 100-Year Flood Plains. The Net Development Area of the site = Gross Land Area (5 acres) Wetland/Flood Plain Area (0 sf) = 5 acres (217,800 sf).
- 2. With a minimum lot size in RSA zones is 15,000 sf, per Section IV-A, this site can accommodate a maximum number of single-family homes in an SRC of: 5 acres (217,800 sf) Site Area / 15,000 sf Min. Lot Size = 14.52 or 15 single-family homes.
- 3. The 1,900 sf average dwelling size allows the total number of dwellings to be increased by 10%: 15 homes x 1.10 = 16.50, or 17 single-family homes.
- 4. 30% of these 17 single-family homes must be smaller than 2,000 sf: 17 units x 30% = 5.1 or 5 homes must be sized less than 2,000 sf.
- 5. Alternatively, the applicant could develop two (2) small single-family cottages (SFC) for each single-family home allowed on the site, up to a maximum of: 17 single family homes x 2 = 34 single-family cottages.

# 8. COTTAGE DWELLINGS

Single-Family Cottages (SFC) may be substituted for each full-size single-family home or town house allowed in an SRC, in compliance with the Intensity Regulations of Part C of Section III-F.1.9, according to the following schedule:

RSA & RSC districts: Two (2) single-family cottages (SFC) in lieu of one (1) full-size single-family house / townhouse

RSB district: Three (3) single-family cottages (SFC) in lieu of one (1) full-size single-family house / townhouse

Single-Family Cottage dwellings can be located in detached structures, attached town houses or attached zero-lot line structures that comply with the provisions of Section III-F.1.9.

# 9. INTENSITY REGULATIONS

# A. Single-family dwellings in SRC shall be on lots having the following requirements:

Minimum lot area*	RS A: 33% of base zone base zone	RS B: 30% of base zone	RS C: 30% of
Lot frontage*	60 % of base RS zone		
Minimum depth*	60 % of base RS zone		
Minimum setback, front*	60 % of base RS zone		
Minimum side-yard setbac	<i>k</i> *	60 % of base RS zone	
Minimum rear-yard setbac	ck*	60 % of base RS zone	
Maximum building covera	ge*	RS A: 120% of base zone	RS B: 125% of
	base zone	RS C: 150% of base zone	
Maximum building height	* 2½ stories or 35 feet		

<sup>\*</sup> Subject to waiver provisions of Section III-F.1.10(d)

# B. Town House structures in SRC shall be on Town House lots having the following requirements: (sf=square feet)

Minimum lot area*	2,500 sf per town house dwelling unit in RS zones		
Dwellings per structure	No more than four (4) dwellings per town house		
Minimum setback, all sides*	RS A zone: 15 feet feet	RS B zone: 20 feet	RS C zone: 15
Maximum building coverage*	RS A zone: 35% 35%	RS B zone: 30%	RS C zone:
Maximum building height*	2½ stories or 35 feet		

<sup>\*</sup> Subject to waiver provisions of Section III-F.1.10(d) #Excluding area for circulation and ingress/egress (hallways, stairs, etc.)

- i. Town Houses shall be built on separate Town House lot(s), with each such Town House lot consisting of at least 2,500 square feet of land times the number of dwelling units to be built on that lot. Access to the lot shall be built from a right of way having at least forty (40) feet of width.
- ii. Two (2) Single-Family Cottages (three (3) in RSB zones) may be substituted for each full-size Town House dwelling allowed on a Town House lot, as long as the meet the First Floor Area, Gross Floor Area and Building Height standards in Section III-F.1.9 (c).
- iii. Dwellings that would otherwise qualify as Town Houses on minimum-sized lots and meet the intensity regulations of Section III-F.1.9 (b) for Town Houses may instead be divided into zero-lot-line single family homes provided that each lot resulting from the division of the lot has at least fifty (50) feet of frontage and meets the minimum lot area requirements of Section III-F. 1.9 (a) for single-family homes, and the unattached sides of such units meet the side yard setbacks otherwise required under this Section.

# C. Small single-family cottage structures in SRC shall be on lots having the following requirements: (sf=square feet)

Minimum frontage* zones	Per standards in II	II-F.1.9.a for single-fan	nily SRC lots in RS	
Minimum lot depth*	Per standards in II	Per standards in III-F.1.9.a for single-family SRC lots in RS zones		
Minimum setbacks*	Per standards in II	II-F.1.9.a for single-fan zones	nily SRC lots in RS	
Minimum space between bu	ildings*	RS A zone: 10 feet zone: 10 feet feet	RS B RS C zone: 10	
Minimum cottage First Floo	or Area RS A zone: 500 sf	RS B zone: 500 . 500 sf	sf RS C zone:	
Maximum cottage Gross Flo	oor Area <sup>#</sup>	RS A zone: 800 sf 1,000 sf	RS B zone: RS C zone: 900 sf	
Maximum cottage huilding	height* 2 stories or 25 feet			

Maximum cottage building height\* 2 stories or 25 feet

#### 10. EXCEPTIONS TO THE OTHERWISE APPLICABLE INTENSITY REGULATIONS

- a) No building or parking shall be located within twenty-five (25) feet of the boundaries of the development parcel, notwithstanding the intensity regulations of underlying zoning districts as provided in Section IV-B.
- b) No construction shall take place within the one hundred (100) year flood elevation line except in conformity with the requirements of M.G.L. Chapter 131, Section 40, and procedures established by the Town for such areas pursuant to the National Flood Insurance Program (42 USC 4001-

<sup>\*</sup> Subject to waiver provisions of Section III-F.1.10(d) #Excluding area for circulation and ingress/egress (hallways, stairs, etc.)

- 4128) and the regulations of the Secretary of Housing and Urban Development issued thereunder.
- c) Indoor and outdoor recreational facilities intended for use by SRC residents of more than one dwelling unit shall be located on a separate lot containing no dwelling units.
- d) The minimum dimensional requirements as delineated in Section III-F.1.9 may be reduced or increased up to a maximum of up to 10%, never to be exceeded on a cumulative basis, if in the opinion of the SPGA that a waiver would improve the layout of the overall plan and will not create conditions which are substantially more detrimental to the existing site and the neighborhood in which the site is located.

# 11. COTTAGE DEVELOPMENT ALTERATION RESTRICTIONS

Structures containing cottage dwellings in a SRC shall be subject to an alteration restriction described in a deed, deed rider, restrictive covenant, or other document that shall be recorded at the Registry of Deeds or the Land Court. The alteration restriction shall prohibit any and all construction activity that:

- a) Expands any dwelling in an SRC so that less than seven (7) feet of horizontal distance exists between any and all dwellings in the SRC;
- b) Increases (cumulatively) the gross floor area of any structure containing one or more cottage dwellings in an SRC by more than 5% of the original floor area allowed in the SRC Special Permit Approval; except for special exceptions authorized by the SPGA and defined/specified in the SRC Special Permit Approval.

The alteration restriction shall run with the land in perpetuity and shall be enforceable by any or all of the owners of dwellings in an SRC.

## 12. AFFORDABILITY

SRC with more than two (2) net new dwellings (in single-family houses, town houses or single-family cottages) shall comply with the affordability provisions of Section V-J Density Bonuses and Fee-In-Lieu contributions required by Sections V-J.4 and V-J.7 for SRC shall be calculated based on a number of affordable units derived from the final number of SRC dwellings calculated in Section III-F.1.7, inclusive of all adjustment factors for average dwelling size. Fees for small single-family cottage units shall be 50% of the per-unit figure calculated under the standard outlined in Section V-J.7.

Example #2: An applicant proposes to develop an SRC of three and four bedroom single-family homes with (averaging 1,900 square feet in Gross Floor Area) on five-acres in an RSA zone. Under the Adjustment Factors of Section III-1.F.7 seventeen (17) homes can be built in total. In this case:

- 1. Under Section V-J.4, the SRC is required to make 15% of the dwellings affordable: 17 dwellings x 15% = 2.55 units, rounded to 3 (three) affordable units.
- 2. Because the SRC is a Permitted Use in the RSA zone, the three (3) affordable units calculated in Line 1 yield bonus dwellings to the development under the provisions of

Section V-J.4.b: 3 affordable units x = 2 = 6 (six) bonus unregulated dwellings.

- 3. The final size of the SRC development is the total of Lines 1 & 2:

  17 dwellings + 6 bonus dwellings = 23 dwellings, three of which are considered affordable.
- 4. Fee in Lieu payments required under Section V.J-4 are based on the three (3) affordable dwellings calculated in Line 1.

# 13. BUILDING DESIGN CRITERIA

All buildings and structures shall be designed, located and constructed to afford the following:

- a) Harmonious relationship of buildings and structures to each other and their environs with adequate light, air, circulation, privacy and separation.
  - i. Dwelling units not abutting or oriented towards a right-of-way shall have a front yard oriented towards the Communal space.
  - ii. No detached accessory buildings shall be allowed except as structures that serve multiple dwellings such as storage sheds, garages, utility structures, or common, non-commercial recreation facilities permitted in Section III.7.F.3.
  - iii. Cottage housing units shall have a covered porch over the primary entrance with a minimum dimension of six (6) feet on any side.
  - iv. Cottage housing units shall have the covered porches of the main entry oriented to the Communal space or the public street right of way as applicable.
  - v. All fences interior to the development shall be no more than forty-eight (48) inches in height and shall be made of natural materials, except along development perimeter.
  - vi. Dwelling units shall be constructed in compliance with LEED Residential or Passive House in North America standards.

## 14. PRESERVED OPEN SPACE

SRC developments create an environment where large tracts of contiguous land are preserved for publicly-accessible open space.

- a) Preserved Open Space must include at least twenty percent (20%) of the frontage on the roads servicing the SRC. A portion of the Preserved Open Space may be used as a Common surrounded by a one-way road, in which event all of the road abutting such Common will be counted as frontage for the purpose of fulfilling the foregoing requirement.
- b) At least fifty percent (50%) of the Preserved Open Space shall not be primary zone wetlands or land within the 100-year flood elevation either as shown on the Town-wide Drainage study maps or as delineated by a qualified wetland scientist.

- c) Open space used as Commons shall be designed for passive or active recreational use. Examples may include but are not limited to courtyards, orchards, landscaped picnic areas, or gardens. Common open space shall include amenities such as seating, landscaping, trails, gazebos, outdoor cooking facilities, covered shelters, or ornamental water features. Stormwater management facilities shall not be located in open space used for a Common area.
- d) If an SRC includes one or more Commons in Preserved Open Space, dwelling units in the SRC shall be located to face each other across the Common(s).
- e) All dwelling units shall have dedicated access ways to all Commons located in Preserved Open Space.
- f) Any land which is currently protected such as through an existing conservation or agricultural restriction (CR or APR), enrollment in the Chapter 61 program (Chapter 61, Chapter 61A, Chapter 61B), designated as Article 97 lands, or through other deed restriction may not be included in the Preserved Open Space.
- g) At least fifty percent (50%) of the dwelling units in an SRC shall abut or be within three hundred (300') feet of the Preserved Open Space and all dwelling units shall have access via a public way or easement to such Preserved Open Space.
- h) Preserved Open Space shall include trails for public access and to increase connectivity. The Special Permit authorizing the SRC shall further provide that the Preserved Open Space shall be:
  - 1. Placed under a conservation restriction pursuant to M.G.L. Chapter 184, as amended, held either by the Town of Natick or a non-profit entity, the principal purpose of which is the conservation of open space;

## 15. <u>PARKING</u>

SRC create environments where large tracts of contiguous land are preserved for publicly accessible open space.

- a) A minimum of two (2) parking spaces per single-family home or town home shall be provided, and a minimum of one and one half (1&1/2) parking spaces per single-family cottage shall be provided in SRC cluster developments. Parking spaces located within garages and driveways may count towards this requirement.
- b) Parking for individual dwelling units may be combined into an individual facility or into parking clusters in order to facilitate housing clusters that are oriented to common open space areas.
- c) Garages and carports shall not be located beyond building lines of dwelling units in which they are located, and may not occupy more than 50% of any façade in any dwelling unit in which they are located.

d) Surface parking facilities shall contain no more than sixteen (16) parking spaces and shall comply with the screening requirements of Section V-D.15.

## FINANCE COMMITTEE PUBLIC HEARING AND DISCUSSION

Article 11 was heard by the Planning Board and their motion for Favorable Action was approved 5-0-0 on Motions A, B, and C.

#### Presenters:

Mr. Ted Fields, Sr. Planner, Community and Economic Development (CED) Ms. Terri Evans, Chair, Planning Board

- Mr. Fields said Article 11 merges five sets of cluster development regulations in Natick's zoning by-law into one modern standard for Single Family Cluster (SFC) development in single-family zoning districts;
- Article 11 allows cluster residential development on sites with a minimum of 2 acres. At least half (50%) of all acreage in a cluster site must be permanently preserved open space;
- Article 11 allows a variety of single-family dwellings to be built in cluster developments, including single-family homes, townhomes and small single-family cottages (size regulated);
- Slightly higher densities are allowed in cluster developments than conventional subdivisions, depending on the size of homes built;
- Article 11 sets design standards for buildings, preserved open space, common spaces and parking facilities in cluster developments.

Mr. Fields has been working with the Planning Board on the Single Family Cluster Development Bylaw and developed this bylaw over last two years developing these revisions for about two years. A source of some of these revisions are ordinances and bylaws across the state, especially Lexington, Concord and Sherborn, as well as the Massachusetts model Open Space Design Bylaw and Principles. We've also looked at ordinances and standards from Washington, Oregon, California, North Carolina, Pennsylvania and Maryland, among other states,

Mr. Fields noted that cluster residential development focuses homes on part of a site and sets aside the remainder of the site as preserved open space. In contrast, conventional subdivisions develop lots and dwellings across the site leaving no protected open space.

The intent of Article 11 is to maximize preserved open space in Natick and diversify the Town's housing stock by harnessing open space residential design and low impact design principles. Cluster projects will also help preserve native character, reduce impervious surfaces on residential lots, improve

neighborhood connectivity, and advance the goals of the Natick 2030+ Master Plan, and the Open Space and Recreation Plan. Cluster development fosters a more economical and efficient use of residential land than standard subdivision development.

Natick's current regulations produced only a handful of cluster projects over the past twenty years, for example, Hopewell Farms and McHugh farms. As an example, Mr. Fields cited a 12.4 acre development site. Under conventional zoning, 11 homes can be developed on this site with a Floor Area Ratio (FAR) of 11.6% and there is no preserved open space, and lots and roadways consume the whole site. In contrast, a single family cluster subdivision permitted under Article 11 would allow 14 homes on smaller lots and that would amount to 8.9% f AR and allow 7.6 acres of preserved open space. The process would work as follows:

- 1) Applicant proposes a cluster development.
- 2) Applicant submits a draft residential conservation analysis map and conceptual subdivision plan for review by town staff, including planning staff and the conservation agent who review these preliminary documents for compliance with the standards in Article 11.
- 3) If they are compliant, the applicant applies to the Planning Board for a cluster development Special Permit, including the final Conservation analysis map and conceptual subdivision plan with their submission. The Planning Board reviews the Special Permit application confirms with the Conservation Commission. If the application is acceptable, the Planning Board issues a cluster conservation finding, along with the special permit decision and approval.
- 4) Once the cluster special permit is approved, the applicant can apply for a building permit

Ms. Evans noted that this is a real breakthrough to consolidate five separate cluster bylaws into one unified document. These bylaws were created one-at-a-time as a new project came forward. As Natick gets built out and large parcels where subdivisions would be located are rarely available, the residential cluster bylaw opens up the opportunity to secure open space in concert with any future development on somewhat smaller parcels. This will be particularly important because once the larger parcels are developed, then the smaller ones are next in line. So having an instrument to deal with open space is extraordinarily important. Ms. Evans also noted the fact that the Town doesn't make the notion of creating smaller houses and preserving open space an either/or proposition. Rather, it combines an incentive for smaller units and the creation of open space. The market is increasingly demanding this and we have relatively few smaller houses being built in Natick.

A member asked how the open spaces get identified, how it is protected and what the access of that of that open space in a cluster development is. Mr. Fields said the protected open space is protected by a conservation restriction developed pursuant to state law and that is spelled out in the article in the motion language itself. Mr. Fields said publicly accessible open space is an explicit goal of Article 11 and public access to protected open space is a goal and criteria for judging the utility of a Special Permit application.

A member asked whether a cluster development would apply to a small apartment building. Mr. Fields said it would not - Article 11 specifically allows for the creation of development of single family homes, whether attached or detached townhomes or small single family cottages that are limited to 800 to 1000 sq. ft. of living area. It does not allow for multi-family residential buildings (i.e. apartments) to be to be developed in single family cluster development

A member asked for an estimate of the town-wide percentage of single family zoning. Mr. Fields said it is at least 70% single family zoning. Ms. Evans noted that, when you think of Natick, it doesn't feel like 70% or more is single family residential. However, when you look at a zoning map, you realize that the overwhelmingly amount of the land in Natick is single family zoning.

A member asked whether the bylaws define what types of housing are permitted and where and there is a totally separate process to designate the specific square footage allowed in Residential A, B, or C. Mr. Fields said this is correct and stated that single family residential cluster is a unique type of development that is permitted by only by special permit - most single family development in the town is permitted by right. Ms. Evans added that the bylaws don't designate a specific parcel if it meets the minimum lot size and can accommodate the units that are outlined. This is something that that can be applied across the three residential single family zoning districts without any kind of pre-selection as long as it meets the minimum lot size requirement.

A member asked whether this cluster housing excludes "tiny" houses on a single family lot. Mr. Fields said it does not. There is an option to develop "small single family cottages" on a cluster site. And in the residential zones, single family district cottages can be a maximum of 800 sq. ft. of gross floor area in an RSA district, increases to 900 sq. ft. maximum in an RSB district and to 1000 sq. ft. in the RSC district.

A member asked if wetlands are part of the minimum lot size calculation. Mr. Fields said gross land area excludes wetlands and land within the 100-year flood elevation to determine what lot size can be utilized in a single family cluster development. In protected open space, up to 50% of the wetlands that are on a site can be in protected open space; the other 50% has to be in developed open space.

A member asked for clarification of the maximum size of these units in this type of development. Mr. Fields said the maximum size of a small cottage allowed depends on the single family zone, ranging from 800 sq. ft. to 1000 sq. ft. In traditional single family homes, maximum size is governed by the maximum lot coverage allowed and height and setback limits.

A member asked whether the publicly available open space will always be publicly accessible and less than 50% wetlands. Mr. Fields confirmed that is correct.

A member asked whether there are any pending or known applications that might come under this bylaw. Mr. Fields said the CED Office does not know of any specific projects right now. However, in developing this bylaw, we've spoken to a number of developers and builders who have built these types of developments outside of town and they helped us to craft these bylaws. Ms. Evans said she has not heard of any specific projects, but developers who may be interested in doing this type of project will

not pursue it if their project doesn't qualify for current cluster zoning. However, this residential cluster development bylaw coupled with fewer available large sites in Natick may encourage them to consider this type of project.

Mr. Martin Kessel, Chair, Open Space Advisory Committee noted that the Open Space Advisory Committee voted to support this article by 6-0-0 vote. Mr. Kessel said, as more land in Natick is developed, much of our open space is disappearing. We would love to be able to buy open space, but the price of buying land has gone way up and the town's ability to buy land has gone way down. Cluster developments have the incredible benefit of preserving a certain percentage of open space for no cost, so it's a win-win situation. We've had a lot of examples of good cluster developments over the years including McHugh Farms (now called Graystone) which is being built right now, off Cottage Street. There are very few available parcels that are 23 acres, which for some reason is the cut-off right now; most of the available developments are going to be a lot smaller. This bylaw will allow clusters to be used and smaller developments. The Open Space Advisory Committee is quite enthusiastic that is coming to fruition.

# Mr. Frank Foss, Town Moderator

Mr. Foss noted that Town Meeting members would want to know asked how this bylaw benefits not only the town but also the developer. Mr. Fields said this was one of the earliest issues that we sought to address in developing these regulations - we questioned developers about how to incentivize building smaller homes in cluster developments. Based on their feedback, we added in density bonuses for building smaller homes. Under Article 11, you can build roughly the same number of lots and homes that you can in a regular subdivision, except because lot sizes are smaller, the whole development areas are more compact and less of the site is used for utilities and roadways, so you get about a lot or two extra in developing a cluster. And, depending on the size of homes you build, if you build homes that are less than 1500 sq. ft., you get to develop 30% more homes; if you build houses over 1500 but less than 2000 sq. ft., on average, you can build an additional 10% of dwellings over a larger area that provides enough additional homes that it's worthwhile for the developer to pursue that.

Ms. Evans highlighted the WindyLo redevelopment that was originally approved as a conventional subdivision. The developer on that project said that they are seeing decreased demand for huge houses on enormous lots. Although it doesn't tie into open space, the town received its first application of the inclusionary housing special permit, which was voted by Town Meeting that used the density provision therein to lower lot sizes and gave the developer a more attractive and marketable size unit and lot, Further, the WindyLo project has the potential to raise close to a \$1 million of funding for affordable housing in doing so. This bylaw is before you now it doesn't tie into affordable housing that way, but speaks to the market pressures where we're seeing less demand for "megahouses on enormous lots" which may make this bylaw very timely.

# FINANCE COMMITTEE RECOMMENDATION – MOTION B

The Finance Committee took the	RECOMMENDATION:	Favorable Action
	QUANTUM OF VOTE:	12-0-0
following action:	DATE VOTED:	September 15, 2020

# **MOTION B** (Requires a 2/3 Vote)

MOVE to amend Section 200 - DEFINITIONS of the Natick Zoning Bylaws by inserting new definitions for 'Cottage Development', 'Preserved Open Space', 'Development Area' and 'Net Usable Land Area' as follows:

<u>Cottage</u>, <u>Small Single Family</u>: A single family dwelling in a building containing one (1) dwelling unit with explicit limitations on first floor area and gross floor area.

<u>Preserved Open Space</u>: Land in Single Family Residential Cluster (SRC) developments reserved as protected open space, that does not include rights of way for roads, lots for single-family houses, cottages or town houses (attached or detached) or recreational facilities as defined in Section III-F.1.3(d).

<u>Development Area</u>: Land in Single Family Residential Cluster (SRC) developments that includes rights of way for roads, lots for single-family houses, cottages or town houses (attached or detached) or recreational facilities as defined in Section III-F.1.3(d).

<u>Net Usable Land Area</u>: The Gross Land Area of the parcel minus wetlands or land within the 100-year flood elevation as shown on Town-wide Drainage Study maps or as delineated by a qualified wetland scientist.

#### FINANCE COMMITTEE RECOMMENDATION - MOTION C

The Finance Committee took the	RECOMMENDATION:	Favorable Action
	QUANTUM OF VOTE:	12-0-0
following action:	DATE VOTED:	September 15, 2020

# MOTION C (Requires a 2/3 Vote)

MOVE to amend Section III.A.2 – USE REGULATIONS SCHEDULE of the Natick Zoning Bylaws by inserting "Illustration #1: III.A.2A USE REGULATION SCHEDULE, CLUSTER RESIDENTIAL DEVELOPMENT" after "Note: For districts. FP, HM-I, HM-II and HM III, LC, HPU see Section III page 3"

# Illustration #1:

Single-family homes (SH), fown houses (TH) and small single family cottages (SFC) may be constructed on Cluster Developments in the RS C District on contiguous parcels measuring two (2) acres through Site Plan Review Procedures from the Planning Board outlined in Section VI-DD-2(B). At least 50% of the total site RS C Clusters, Trease can be reduced up area must be Protected Open Space. The following dimensional requirements apply to lots with structures developed in RS C Clusters, Trease can be reduced up	Single Residence C (RS C) 20,000 sf 120 feet 125 feet 30 feet 12 feet	HS B Cluster Dimensional 30% of regular std. 80% of regular std. 8	Single-family homes (SFH), town houses (TH) and small single family cottages (SFC) may be constructed on Cluster Developments in the RS B District on contiguous parcels measuring at least two (2) Apares through Site Plan Review Procedures from the Planning Board outlined in Section VI-OD.2(B). At least 50% of the total site area must be Protected open Space. The Following dimensional requirements apply to Jots with structures developed in RB Collisters. These can be reduced up to 15% by the Planning Board to account for unique site conditions as long as all parcels meet the egress, accessibility and off-street parking requirements of this by-law. In RS Collisters, three (3) single-family cottages (SFC) may be developed in the place of a single-family dwelling (SFD).	Single Residence B (RS B) 40,000 sf 140 feet 150 feet 40 feet 20 feet	RS A Cluster Dimensional 39% of regular std. 80% of regular std. 8	Single-family homes (SFH), town houses (FH) and small single family cottages (SFC) may be constructed in Cluster Developments in the RS A District on contiguous parcels measuring at least two (2) acres through Site Plan Review Procedures from the Planning Board outlined in Section VI-CDL2(B). At least 50% of the total site area must be Protected open Space. The Following dimensional regulrements apoly to lots with structures developed in RS A Clusters. These can be reduced up to 15% by the Planning Board to account for unique site conditions as long as all parcels meet the egress, accessibility and off-street parking requirements of this by-law. In RS A clusters, two (2) single-family cottages (SFC) may be developed in the place of a single-family dwelling (SFD).	Single Residence A (RS A) 15,000 sf 110 feet 125 feet 30 feet 12 feet	ZONING DISTRICT: Minimum Lot Area Min. Contiguous Minimum Lot Min. Front Min. Side Frontage Depth Setback Setback
(SFC) may be constructed o	12 feet 25 feet	of regular std. 60% of regular std. 12 feet 24 feet	(SFC) may be constructed a from the Planning Board o nts apply to lots with str y as all parcels meet the e y be developed in the place	20 feet 40 feet	of regular std. 60% of regular std. 7 feet 15 feet	(SFC) may be constructed i from the Planning Board o nts apply to lots with str g as all parcels meet the e be developed in the place of	12 feet 25 feet	Min. Side Min. Rear Setbacks Setback
Single-family homes (SHM), fown houses (TH) and small single family octrages (SFC) may be constructed on Cluster Developments in the RS C District on contiguous parcels measuring two (2) screen through Site Plan Review Procedures from the Planning Board outLined in Section VI-DD.2(9). At least 50% of the total site area must be Protected Open Space. The following dimensional requirements apply to 10% with structures developed in RS C Clusters. Trees can be reduced up to 15% by the Planning Board to account for unique site conditions as 10mg as all parcels meet the agrees, accessibility and off-street parking requirements to 15% by the Planning Board to account for unique site conditions as 10mg as all parcels meet the agrees, accessibility and off-street parking requirements of 15% by the Planning Board to account for unique site conditions as 15mg are the agrees, accessibility and off-street parking requirements of 15% by the Planning Board to account for unique site conditions as 15mg are the base of a strole-family overline of 15% by the Planning Board to account for unique site conditions as 15mg are the account for unique site conditions as 15mg are the particle of 15% by the Planning Board to account for unique site conditions as 15mg are the particle of 15% by the Planning Board to account for unique site conditions as 15mg are the 15mg are the 15mg are 15mg a	20%	std. 125% of regular std. 25%	nn Cluster Developments i nutlined in Section VI-D uctures developed in RS gress, accessibility and e of a single-family dwe	20%	std. 120% of regular std. 30%	in Cluster Developments I willined in Section VI-Di wotures developed in RS igress, accessibility and of a single-family dwell	25%	r Maximum Lot Coverage
in the RS C District . At least 50% of Clusters. These can d off-street parkin ling (SFD).	2.5 stories / 35 feet	2.5 stories / 35 feet	in the RS B District D.2(B). At least SC B Clusters. These d off-street parkin elling (SFD).	2.5 stories / 35 feet	2.5 stories / 35 feet	in the RS A Distric D.2(B). At least 5( A Clusters. These d off-street parkin ling (SFD).	2.5 stories / 35 feet	Max. Building Height
t on contiguous the total site the reduced up ig requirements	None	None	RS B District on contiguous . At least 50% of the total sters. These can be reduced streat parking requirements (SFD).	None	None	RS A District on contiguous , At least 50% of the total sters. These can be reduced street parking requirements SFD).	None	Minimum Open Space

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# ~~ END OF ARTICLE ~~

# ARTICLE 12 Option Overlay District ("ISLOOP") of the Town of Natick Zoning By-laws. (Rocky Melchiorri, et al.)

#### ARTICLE LANGUAGE

To see if the Town will vote to designate that certain parcel of land, located on the northerly side of Union Street known and numbered as 34 Union Street, and specifically identified as Assessor's Map number 44 Parcel 259, intending to describe that land contained in that certain deed recorded in the Middlesex South District Registry of Deeds in Book 67492, Page 151, all as more particularly described on a Plan entitled "Amended Independent Senior Living Option Overlay District" by Engineering Design Consultants, Inc., dated August 14, 2020 available for viewing and inspection at the Select Board office, or to act on anything related thereto.

#### PURPOSE OF THE ARTICLE

To add the property located at 34 Union Street (the "Property") to the Independent Senior Living Overlay Option Plan ("ISLOOP") District to allow its use in the development of a project in conjunction with properties located at 26 and 30 Union Street

# FINANCE COMMITTEE RECOMMENDATION

The Finance Committee took the	RECOMMENDATION:	Favorable Action
	QUANTUM OF VOTE:	11-0-1
following action:	DATE VOTED:	September 15, 2020

## **MOTION** (Requires a 2/3 Vote)

Moved: To include that certain parcel of land at 34 Union Street in the Independent Senior Living Option Overlay District ("ISLOOP") of the Town of Natick Zoning By-laws, specifically:

that certain parcel of land, located on the northerly side of Union Street known and numbered as 34 Union Street, and specifically identified as Assessor's Map number 44 Parcel 259, intending to describe that land contained in that certain deed recorded in the Middlesex South District Registry of Deeds in Book 67492, Page 151, all as more particularly described on a Plan entitled "Amended Independent Senior Living Option Overlay District" by Engineering Design Consultants, Inc., dated August 14, 2020 attached hereto as **Exhibit A** to Article 12 or act on anything related thereto.

# Exhibit A to Article 12 (Plan of Proposed Addition to Independent Senior Option Overlay Plan)

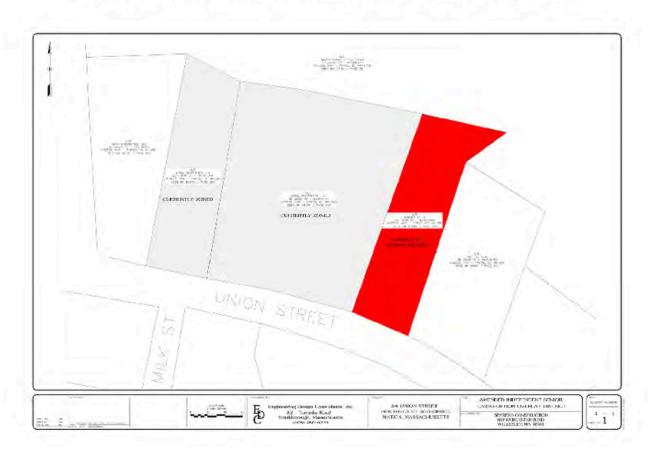
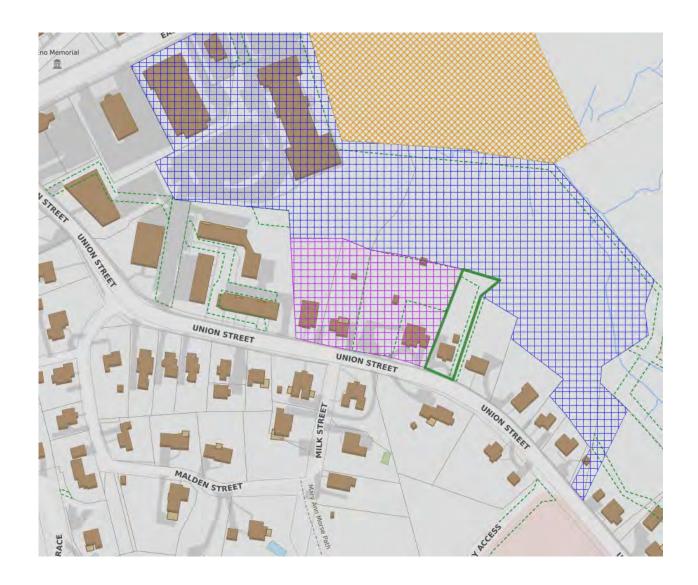


Exhibit 2

Response to Finance Committee Questionnaire for Warrant Article 12

(Existing Independent Senior Option Overlay Plan)



# FINANCE COMMITTEE PUBLIC HEARING AND DISCUSSION

The Finance Committee met to discuss Article 12 on September 15, 2020 and voted to recommend Favorable Action by a 11-0-1 vote.

Presenter: Mr. Brian Grossman, Attorney at Bowditch and Dewey LLP., representing Baron Construction

Mr. Grossman said Baron Construction is the driving force behind Article 12 that seeks to add a single property located at 34 Union Street to the Independent Senior Living Option Overlay Plan (ISLOOP) zoning district. Mr. Grossman noted that, in reading the Finance Committee minutes from 2017, 34 Union Street was part of the original ISLOOP proposal and fell out, but the minutes term it "as possibly being held in reserve". Now, as part of the prospective development of the property, it needs to be added back to allow the development to move forward.

The property itself is not located in the overlay district but would be utilized for access and to provide open and conservation space. Under the zoning bylaw, use of the 34 Union Street property for ISLOOP development would not be permitted if it's not part of the overlay district, even for something such as access because under case law, the access is attributed to the use of the property. Even if you simply wanted to put a driveway over it and it leads into the development, that access over a private parcel needs to allow for the ultimate use.

34 Union Street is adding to the east end of the overlay district adjacent to 32 Union Street and 26 Union Street, the two other parcels that would be developed along with 34 Union Street. The district also includes 22 Union Street. It's important to note that adding this to the overlay district does nothing more than allow the application to go forward. It will still need to be part of a plan and application to the Planning Board, the Special Permit Granting Authority for review and compliance with approval criteria under the zoning bylaw.

A member noted that the adjoining house further away from East Central Street (36 Union St.) has what looks like a single family house and not a lot of space between the house and the ISLOOP district asked whether the owners were contacted. Mr. Grossman said he has spoken with some neighbors, but mostly in conjunction with the next article (Art. 17) and haven't reached out them to buy that land.

A member stated that there will likely be driveway access on the property that is now 34 Union St. – how will this impact the neighbor at 36 Union St.?

A member noted that the Committee was previously shown a plan that included 22-24, 26, and 32 Union St and recommended Favorable Action on it. At the time, we were told that the homeowner of 34 Union St. did not want to be included in the ISLOOP and the project would go forward without it.

A member asked for clarification of the size of a potential project. Mr. Grossman said he wasn't involved in the development of the overlay district or the prior project. However, in speaking with Baron Construction, his understanding is the access to the property in the original plan turned out to not be feasible once they did further engineering and that's why it's necessary to add 34 Union Street to set the project up better in terms of overall site utilization and allowing for additional open space and concentration.

A member asked whether insertion of this property is the full extent of the expansion you want or if the property to the right of 34 Union Street became available would you come back before the Committee to add it to the ISLOOP. Mr. Grossman said that has not been part of any discussion he had with my client

or anyone else. My expectation is that if my client thought they needed it, they would add all the necessary properties to the ISLOOP for this project.

A member asked whether there is any timeline in terms of when someone has to come forward with a plan to develop in this area. The Finance Committee Chair said that there is no such requirement, just the zoning change to add this property to the ISLOOP overlay district.

A member commented that Natick needs more independent senior living and this is a very important first step towards creating more independent senior living housing in Natick.

~~ END OF ARTICLE ~~

#### **ARTICLE 13**

# Repeal Historical Preservation Smaller Estates Amendment (Town Moderator on behalf of Robert Awkward & Brad Peterson et al)

## ARTICLE LANGUAGE

To see if the Town will vote to Repeal Section III-J(I0), "Historical Preservation: Smaller Estates", of the Natick Zoning By-law

# PURPOSE OF THE ARTICLE

To remove Section III-J (10) from the Natick Historic Preservation By-law

#### FINANCE COMMITTEE RECOMMENDATION

	RECOMMENDATION:	Referral to Sponsor and
The Finance Committee took the		Planning Board
following action:	QUANTUM OF VOTE:	8-4-0
	DATE VOTED:	September 15, 2020

## **MOTION** (Requires a Majority Vote)

Move to refer the subject matter of Article 13 to the Sponsor and the Planning Board

# FINANCE COMMITTEE PUBLIC HEARING AND DISCUSSION

The Finance Committee met to discuss Article 13 on September 15, 2020 and voted to recommend Referral to the Sponsor by an 8-4-0 vote.

# Presenters:

Mr. Brad Peterson, resident, Precinct 10

Mr. Robert Awkward, 10 Phillips Street Town Meeting member, Precinct 10

Mr. Peterson noted that, given the Chair's advisory on scope of discussion, Mr. Peterson said he sent the Finance Committee some photos and artist renderings of 50 Pleasant Street as an illustration of the only attempted application of this bylaw. Mr. Peterson said Section III-J-10 – Historic Preservation in the

zoning bylaws was endorsed by the Finance Committee and passed by Town Meeting Town Meeting with good intent. However, upon application, a number of significant flaws have been revealed and Section 10 should be repealed. These flaws are:

- 1. In our opinion, the bylaws inadequately written and is subject to significant conflicting interpretations, which we believe will almost certainly end in appeals, state land court and potential litigation. Confusion and debate over the interpretation of bylaws been set demonstrated over the past year through recent attempts to apply the bylaw. Three examples are:
  - a. the interpretation that new construction shall not exceed the greater of A or B to actually mean, the applicants or any applicant on the bylaw can do both A and B, or double the size of an existing house and reconstruct a previously demolished house to three times its previous size.
  - b. An applicant may claim the benefit of a previously demolished structure, even though substantially all that structure was located on an abutter's property.
  - c. The square footage for the reconstruction of previously existing structures should not be derived from said structure but some other structure existing somewhere else on the site. Given the large number of contentious interpretations due to uncertainty written in the bylaw said we believe it should be repealed.
- 2. The maximum allowed size of projects under the bylaw is massively larger than would otherwise be permitted and can have detrimental impacts on the neighborhoods in which they're proposed. We believe this aspect was not fully appreciated by the approving boards and Town Meeting. For example, the square footage of the proposed project on the 50 Pleasant Street was massively larger than the next hundred closest houses to the property. The existing Historic Preservation bylaw already allows for increased density to encourage historic preservation, a laudable goal that we believe is already articulated in Section III-J-9 that provides an adequate market incentive for preservation of historic structures. Section III-J-10 enables a potential 300% increase in the size of proposed projects relative to buildings currently on the site is not only unnecessary, but also has a significant detrimental effect on the neighborhoods.
- 3. Modifying Section III-J-10: Trying to modify this section during Town Meeting is too complicated an undertaking and repeal is the best option.

Mr. Peterson noted that, if a separate law is required for smaller estates, it should be initiated, created, reviewed by appropriate town agencies such as the Historical Committee, the Historical Commission, Community and Economic Development, the Planning Board and others and not through a single citizen's petition, especially those with vested economic interests.

Mr. Peterson claimed that a letter from the Natick Historical Commission (not provided to the Finance Committee) supported both warrant articles presented by the neighbors to reform the existing Historic Preservation bylaw and noted that, as currently written, many terms are misleading and misinterpreted. Further, they stated while the bylaw is well-intentioned in seeking to preserve incentives for historic properties, it requires reconstruction to a perfectly balanced development within existing neighborhoods.

In conclusion, Mr. Peterson said Article 13 is not repealing the historical preservation by law in its entirety – only Section III-J-10. There are nine other sections to the historic preservation bylaw. Our concern with Section III-J-10 is that it allows for projects of a maximum theoretical size that dwarfs the surrounding neighborhoods.

# Mr. Robert Awkward, co-sponsor:

Article 13 would have no effect on the current application before the Planning Board (50 Pleasant Street) and would only affect future developments. However, the current development is instructive because it gives us a tangible example of what can be done in the current bylaw. In our view, the bylaw, as written, does not work for residential neighborhoods. Residential neighborhoods cannot support a development that could be as large as eleven 3000 - 4000 sq. ft. condominiums combined together on a 1.5 half acre lot in a neighborhood that is comprised of 3000 - 5000 sq. ft. single family homes on 1 acre lots.

When this bylaw was passed by Town Meeting, I don't believe it would have passed had members realized that this bylaw would allow an out-sized development as this bylaw allows. Historic preservation is supposed to be about preservation and restoration with some enhancement. At what point does enhancement become barely recognizable to preservation of a historic house. Section III-J-10 goes well beyond preservation or restoration and can result in outsized development. Further, the current bylaw can use buildings that formerly existed and may not be present on the property itself to be used in the calculation of total allowable building area.

Historic preservation must also take into account the surrounding environment in which it is occurring without deleterious effects on the surrounding neighborhood, but it has to be done looking at the property as it is today, not 100 years ago or more ago. 50 Pleasant Street is such a home that was a central location on that street and there was nothing was around the house when that home was built. Today, that home is surrounded by other homes, as would be true in any of Natick neighborhoods. In doing historic preservation and restoration, it should be done in concert with the neighborhood. Mr. Awkward noted that Article 14 seeks to amend this bylaw and noted that Town Meeting is not well-equipped to evaluate complicated bylaws on Town Meeting floor.

A member asked for clarification of the maximum limits difference is in the historic preservation bylaw as compared to the residential cluster development article we heard earlier. Another member reported that the minimum lot size for residential cluster development is two acres and Section III-J-10 specifies that "The SPGA may, at its sole discretion, consider an alternative preservation option for certain parcels that exceed the minimum lot size of the underlying zone by at least 20%, but not more than 100%." Mr. Peterson added lot sizes in South Natick are between 1.2 and 2 acres.

A member said that there is a specific reason why the two acre threshold is the barrier for residential cluster development since abutters have already stated that most neighborhoods in Natick have single

family homes that are set back on their properties and putting a cluster development smack in the middle of a neighborhood may not be appropriate.

#### **Public Comments**

Mr. Eric Goldberg, Attorney at Wilchins, Cosentino and Novins in Wellesley. I'm counsel to the Valentins on the pending matter at 50 Pleasant Street. I viewed hours of Planning Board hearings during the time that the Planning Board deliberated and worked on the development of Section III-J-10 which the proponents of Article 13 seek to repeal. My observation of those hearings is a lot of time and effort and energy was spent deliberating over what the Planning Board thought would be an appropriate bylaw to achieve the preservation of historically significant buildings throughout the town and reached a set of criteria that the Planning Board thought would be in the best interest of the town. It was not directed at any particular application, but intended to achieve preservation of structures in the town that might not fit within the constraints of the existing Historic Preservation bylaws.

Section III-J-10 was created and sponsored to develop and preserve structures throughout town that otherwise might not have been able to be preserved and the Planning Board supported that petition and sponsored it for approval and it was approved. There are folks in the town who are against the development opportunity under Section III-J-10 who didn't participate in the process and the amendment was carried at Town Meeting and it is out there and available for someone to apply for a Historic Preservation special permit. It is not a reason to repeal the bylaw because it may present difficulties of interpretation.

I sat on the town of Wayland Zoning board for seven years, and I chaired it for the last five years of my tenure. Even in Wayland, we had any number of opportunities to scratch our heads and figure out what it might have been might have been intended by Town Meeting to pass different aspects of the Wayland Zoning Bylaw. But it was our responsibility to do the best we could to interpret the language. That's exactly what the Natick Planning Board has done over the past year and a half. On the application that's before the Planning Board, it's important to recognize that issues of interpretation happen all the time.

The neighbors haven't agreed with everything they've done, but the Planning Board is doing their job of interpreting a bylaw. It's critically important to say that some of the assertions the Committee has heard tonight by the proponents of Article 13 are factually incorrect. And it's important to at least recognize that some of what you've heard is just isn't the case. For example, the proponents have cited a number of times that Section III-J-10 allows for a 300% increase. It does not - and the Planning Board has rendered an interpretation of the bylaw that doesn't allow for a 300% increase in square footage.

The purpose of this warrant article is to eliminate a component of the bylaw that was passed at Town Meeting for the betterment of the entire town. The repeal of this bylaw isn't intended for the betterment of the town, but to thwart an opportunity of development that Section III-J-10 was meant to promote. Neither wholesale repeal of it (Article 13) nor ad hoc amendment to it (Article 14) makes sense.

Ms. Linda Valentin, 50 Pleasant Street, Natick.

Ms. Valentin said she met with the Planning Board to discuss amending the historic bylaw and spent countless hours and money in legal fees to fund this bylaw. Never in our wildest dreams did we imagine that neighbors would oppose a bylaw that was written collaboratively with the town and for the benefit of the town because Natick is known for his historic properties. The reason for this bylaw is to save larger properties that are going to be lost, so we worked collaboratively with the Planning Board on this bylaw. I can't imagine that we spent all this time, money, and energy with the board to write a bylaw to have it repealed a year later. I understand that the bylaw isn't easy to interpret, but the Planning Board supported and Town Counsel approved it.

Mr. Daniel Zitnick, 65 Pine Street said the impetus behind this Article is fear and uncertainty about what it's going to create. The sponsors cited one example and I wonder if there are other examples of projects that are detrimental. It doesn't make any sense to me to repeal a bylaw just based on pure speculation.

Ms. Sarah Chambers, resident Precinct 10 expressed support of Section III-J-10 of the bylaw because I support any development activity that promotes historic preservation and at the same time also supports diversity in Natick.

Several members commented that Section III-J-10 has significant issues that cannot be fixed on Town Meeting floor and advocated removal of this section to work on it and review before adding it back to the historic preservation bylaw.

Several members said elimination of Section 10 leaves a hole in this bylaw and the Planning Board had good reason to add Section III-J-10 and noted that this section probably needs refinement and supported referral rather than leaving that a hole for a developer to exploit rather than at least a relatively finite hole that the Planning Board can navigate around.

Several members noted that there's a special permit process that governs these decisions and there is a key phrase in that Special Permit process that states a project "cannot do substantial detrimental harm to the neighborhood" and that's why abutters are notified and are able to weigh in on it and the Planning Board makes its best judgment to enforce the bylaws.

A member said he hoped the proponents of Article 14 took notes and opined that the right thing to do is to fix some things that were unintended consequences of Section III-J-10 and work with the planning board to do so.

Several members stated that they would have preferred a better modification article, but the Committee didn't have one before it. As well-meaning as the Planning Board may have been in developing this bylaw, they believe that's some of those interpretations, as correct as they may be, may end up in Land Court. Repealing this section can preclude this by heading off this potential problem until it's fixed.

Several members noted that this bylaw has flaws that need to be fixed. However, their opinion was bylaws are sometimes not perfect and the best way to address that is to fix the problems, not to throw it all out.

# Motion as provided by the Sponsor (requires a 2/3 vote)

Move that the Town vote to remove in its entirety Section III-J (10) Historic Preservation: Smaller Estates

~~ END OF ARTICLE ~~

#### **ARTICLE 14**

# Modify Historical Preservation Bylaw Amendment (Town Moderator on behalf of Beatrice Farr et al)

#### ARTICLE LANGUAGE

To see if the Town will vote to modify Section III-J(I0), "Historical Preservation: Smaller Estates" of the Natick Zoning Bylaw by,

- (a) reducing the amount of new construction that can be added to existing historical structures based on their documented interior habitable floor space;
- (b) reducing the amount of new construction of replicated historical structures based on their documented interior habitable floor space or the above-grade gross volume of that former structure;
- (c) limiting replication to those historical structures that were located entirely within the bounds of the applicant's current lot;
- (d) reducing the allowable FAR of the interior habitable floor area;
- (e) reducing the maximum number of dwelling units allowed on the net useable land area;
- (f) authorizing the Planning Board and the Board of Selectmen to jointly appoint a study committee to make other modifications to create clearer guidance concerning the decisional criteria of this "Smaller Estates" section, provide definitions where appropriate, and/or harmonize this section with the rest of the Historic Preservation By- law (Sect. III-J); such study committee shall contain no more than seven (7) members, may include members from their own boards, but must include a member of the Natick Historical Commission and the Director of Community and Economic Development and at least three (3) Natick citizens not serving on those two boards and the commission;
- (g) requiring that until such time as the aforementioned study committee completes its modifications, there shall be a moratorium, not to exceed one (1) year, on any applications under Sect. III-J (1O); or

take any other action with respect thereto but consistent with (a)-(g) above.

#### PURPOSE OF THE ARTICLE

To modify Section III-J (10) of the Natick Zoning Bylaws (Historic Preservation: Smaller Estates Bylaw Amendment) to reduce the maximum number of dwelling units and the floor to area ratio of the interior inhabitable floor area. Further to jointly appoint a Smaller Estates Study Committee to make modifications to the Bylaw and place a moratorium on any applications submitted pursuant to Section III-J (10) until the Study Committee completes its modifications.

#### FINANCE COMMITTEE RECOMMENDATION – MOTION A

	RECOMMENDATION:	Referral to Sponsor and
The Finance Committee took the		Planning Board
following action:	QUANTUM OF VOTE:	12-0-0
	DATE VOTED:	September 15, 2020

# **MOTION A** (Requires a Majority Vote)

Move to refer the subject of Article 14 Motion A to the Sponsor and Planning Board

#### FINANCE COMMITTEE PUBLIC HEARING AND DISCUSSION

The Finance Committee met to discuss Article 14 at a meeting on September 15, 2020.

Presenters:

Beatrice Farr, 51 Pleasant Street

Mr. Michael Panchuck, 54 Pleasant Street

Ms. Farr and Mr. Panchuck are co-sponsors of Article 14, which seeks to modify the Section III-J-10 of the historic preservation bylaw. Section III-J-10 was passed at the 2019 Spring Town Meeting with the best of intentions to preserve historically significant buildings and structures throughout Natick. However, as the bylaw has been put into effect, it seems to be flawed, difficult to work with, and has confusing elements. Ms. Farr stated that the Natick Historical Commission noted in its letter of support for Article 14 "the bylaw is well-intended in seeking preservation incentives for certain historic properties. It requires reconstruction to appropriately balanced development within existing neighborhoods."

Our desire to effect change and this bylaw is rooted in our experience with applications for a special permit in our neighborhood. That difficult and almost year-long experience has shown us that there are provisions within this bylaw that need correction. Over several months, we witnessed the Planning Board's attempts to provide clarification as to the meaning and intent of various provisions of the bylaws. Although we applaud their efforts, that work is incomplete. We submitted Article 14 to effect changes to Section II-J-10 to make it as robust a bylaw as possible. These changes can only help in the ongoing effort to preserve historically significant buildings and structures in our town.

Article 14 is divided into three parts:

Motion A makes changes to specific provisions in the bylaws that deal with the numbers, whether those numbers involve number of allowable dwelling units, the floor-area-ratio (FAR) or the percent in allowable new construction and seeks to reduce those numbers to a more reasonable level.

Motion B establishes a Study Committee that will address other problems in the bylaws not specifically addressed in Motion A. We recognize that we are not experts in zoning or historic preservation, but look to the many talented individuals in the town who could lend their expertise to fix this section of the historic preservation bylaw.

Motion C seeks to impose a moratorium until the Study Committee can bring its changes to Town Meeting.

The Finance Committee Chair stated that the Planning Board's recommendation was as follows:

- a) Voted 5-0-0 to refer Article 14 Motion A to the sponsors.
- b) Motions B and C were continued until October 7, with concerns noted about both of them. On Motion B, there was a question about the appointing authority and the composition of the study committee. On Motion C, there were many questions on the moratorium.

A member asked if Motion C passes would any applications already made be subject to moratorium. Ms. Farr affirmed that existing applications would not be subject to this moratorium.

A member asked what the advantage was of doing Article 14 rather than repealing now and coming in with modifications that would be more scrubbed. Ms. Farr stated she believes that some Town Meeting members might not be comfortable with a full repeal and would prefer fixing a flawed section in the bylaw. Further, if repeal is not approved, we wanted to present an alternate route to fix the issues that have arisen.

A member asked the sponsors to point out the technical aspects of the bylaw that are flawed. Mr. Panchuck said based on the wording of the Historic Preservation: Smaller Estates, it says "the SPGA can at its sole discretion, consider an alternative preservation option for certain parcels that exceed the minimum lot size of the underlying zone by at least 20%, but not more than 100%." If you take the minimum amount of square footage for each residential zone 12,000, 15,000, 20,000 and 40,000 and you multiply each of those by 100%, you get ranges of 12,000-24,000, 15,000 - 30,000, 20,000 - 40,000, and 40,000 - 80,000.

Anyone who owns an historic home in Natick on a lot that exceeds 40,000 sq. ft., but is less than 48,000 sq. ft. cannot take advantage of the smaller estates amendment, regardless of what residential zone that person's house is in. The other issue is it doesn't give people who own historic homes equal opportunity to access the amendment so if you have a 40,000 square foot home on Bacon Street, your home is too large. If you put it in another area in town in an RSB zone, your home and your lot are too small. Whether you thought the Historic Preservation Small Estates bylaw was good or not, at no point did it indicate that you needed a certain sized lot to qualify. This means historic homes on for certain sized lots being treated differently according to which zone in town they are located and that, in my opinion, that seems to be patently unfair.

A member asked about the history of this bylaw. The Chair said it first came to the Committee as a citizen's petition in fall 2018 which the Committee approved. Town Meeting referred it to the Sponsor and the Planning Board who worked together on the current Historic Preservation: Small Estates Bylaw that was approved by the Finance Committee and then by Town Meeting in Spring 2019.

A member asked how many potential applications are projected to be affected by the moratorium, based on the last two to five years of applications for historical property renovations. Ms. Farr said during the Planning Board hearings, they have not seen any other applications with regard to this specific provision of the historic preservation bylaw. The Chair confirmed that no other applications were made under the current bylaws at this point and the Planning Board is not aware of any upcoming projects.

#### **Public Comments**

Mr. Eric Goldberg asked the Committee board to find persuasive the Planning Board's determination not to support the repeal article, and suggested, given the amount of time and effort and hours and meetings required for the Planning Board to craft the warrant article as allowed that to modify it by legislative fiat based on two hearings, one before the Planning Board and one before this Committee is wrongheaded. And I'm struck by the proponents' suggestion that the purpose of this article is to prevent others in town from being subjected to the administrative review process since this is simply how the process works. The applicant goes through the same process and is not subjected in some negative connotation to a board's interpretation of the bylaw before it. It is how projects are presented, applied for, considered, and approved.

Mr. Frank Foss, Town Moderator, noted that all three of these motions would require a two-thirds vote to be approved by Town Meeting. Specifically, Motion B requires a two-thirds vote because the Planning Board and Select Board are appointing a committee at Town Meeting. I'm inclined to disallow Motion C from coming to the Town Meeting floor, since it relies on Motion B to prevail and there was no establishment of Article 40 under 2020 Spring Annual Town Meeting. Motion C would need to be corrected or I won't allow it to go to the floor.

# Motion A as provided by the Sponsor (requires a 2/3 vote)

To amend Section III-J.10 – Historic Preservation: Smaller Estates by the following:

Changing Section III-J.10 (1) by replacing the text (6000) with the text (15000) so that Section III-J.10 (1) now reads:

1. Number of Dwelling Units. The maximum number of dwelling units allowed shall equal the net useable land area of the parcel divided by 15000 square feet, rounded to the nearest whole number.

Changing Section III-J.10 (2) by inserting the text after "site.", (Replication of previous structures is limited to those historical structures that were located entirely within the bounds of the applicant's current lot.) so that Section III-J.10 (2) now reads:

2. New construction shall be of design and materials contemporaneous with the structure being preserved, or replicate documented previous structures that had existed on the site. Replication of previous structures is limited to those historical structures that were located entirely within the bounds of the applicant's current lot.

Changing Section III-J.10 (3) by replacing it in its entirety with the following text:

# (3. New construction shall be limited to the choice of either 3a. or 3b. below and shall not exceed the greater of:

- **a.** For design and materials contemporaneous with the structure being preserved; 50 percent of the interior habitable floor area or above grade gross volume of the historic building. The interior habitable floor area or above grade gross volume of the structure being preserved will be confirmed through the town's records or by the town's building department. This shall exclude aspects of construction that pertain to components required for code compliance, of the existing historic building, for access and egress, such as stairs and elevators, or
- **b.** For replication of documented previous structures, 40 percent of the interior habitable floor area or above grade gross volume of the historic building)

so that Section III-J.10 (3) now reads:

# 3. New construction shall be limited to the choice of either 3a. or 3b. below and shall not exceed the greater of:

- **a.** For design and materials contemporaneous with the structure being preserved; 50 percent of the interior habitable floor area or above grade gross volume of the historic building. The interior habitable floor area or above grade gross volume of the structure being preserved will be confirmed through the town's records or by the town's building department. This shall exclude aspects of construction that pertain to components required for code compliance, of the existing historic building, for access and egress, such as stairs and elevators, or
- **b.** For replication of documented previous structures, 40 percent of the interior habitable floor area or above grade gross volume of the historic building.

Changing Section III-J.10 (4) by replacing the text (.50) with the text (.20) so that Section III-J.10 (4) now reads:

**4.** The FAR of the interior habitable floor area shall not exceed .20.

Changing Section III-J.10 (6) by deleting the . and inserting the text after "Commission", (and the Design Review Board.) so that Section III-J.10 (6) now reads:

**6.** The SPGA shall seek input and review of the proposal from the Natick Historical Commission and the Design Review Board.

#### FINANCE COMMITTEE RECOMMENDATION – MOTION B

	RECOMMENDATION:	Referral to Sponsor and
The Finance Committee took the		Planning Board
following action:	QUANTUM OF VOTE:	8-4-0
	DATE VOTED:	September 15, 2020

## **MOTION B** (Requires a Majority Vote)

# Move to refer the subject of Article 14 Motion B to the Sponsor and Planning Board

#### FINANCE COMMITTEE PUBLIC HEARING AND DISCUSSION – MOTION B

A member noted that the Planning Board has some issues with Motion B that they want to investigate further. The Committee should support that effort and emphasized that referral is not a repudiation and provides the ability to discuss this motion on Town Meeting floor.

A member advocated for favorable action to express to the Planning Board and Select Board that they should support the creation of a Study Committee to bring in other points of view that augment the expertise of the planning board.

Some members stated that a study committee doesn't have a lot of down-side to it, noting that the committee heard two articles that seek repeal or modify this section of the bylaw, indicating an interest in studying the issue and figuring out the best course of action.

Other members opposed supporting Motion B because it authorizes the Planning Board and Select Board to jointly appoint a committee, but then restricts how that committee is constructed.

#### Motion B as provided by the Sponsor (requires a 2/3 vote)

To authorize the Planning Board and Board of Selectmen to jointly appoint a Smaller Estates Study Committee to make other modifications to create clearer guidance concerning the decisional criteria of the "Smaller Estates" section, provide definitions where appropriate, and/or harmonize Section III-J.10 Historic Preservation: Smaller Estates with the rest of the Historic Preservation Bylaw (Section III-J); such study committee shall contain no more than seven (7) members, may include members from the Board of Selectmen and the Planning Board, but must include a member of the Natick Historical Commission, the Director of Community and Economic Development (or his/her designee), and three (3) citizens of Natick, one of whom must serve on the Design Review Board and two (2) who do not serve on any of the aforementioned boards/commission.

#### FINANCE COMMITTEE RECOMMENDATION - MOTION C

	RECOMMENDATION:	Referral to Sponsor and
The Finance Committee took the		Planning Board
following action:	QUANTUM OF VOTE:	12-0-0
	DATE VOTED:	September 15, 2020

# **MOTION** C (Requires a Majority Vote)

Move to refer the subject of Article 14 Motion C to the Sponsor and Planning Board

#### FINANCE COMMITTEE PUBLIC HEARING AND DISCUSSION – MOTION C

Members noted that the Moderator identified flaws with this Motion, as well as the Planning Board who continued it to their October 7 meeting, so referral seems to be the best option. The Planning Board may come up with a modified motion that may be acceptable to the Moderator or this may be discussed on Town Meeting floor as with the previous motions.

# Motion C as provided by the Sponsor

Move to insert the following text after Section III-J.10 (8):

9. Establish under Article 40 at the Spring Annual Town Meeting of 2020 that until the Smaller Estates Study Committee completes its modifications, there shall be a moratorium of up to one (1) year on any applications under Section III-J.10.

~~ END OF ARTICLE ~~

#### ARTICLE 15

# Plastic Straw Restriction (Town Moderator on behalf of Joseph Napurano et al)

#### ARTICLE LANGUAGE

Prohibit a full service restaurant from providing a single-use plastic straw to a consumer unless requested by a consumer.

Violation beyond first and second infraction will result in an infraction punishable by a fine of twenty-five dollars for each day of violation, but infractions will not exceed three-hundred dollars annually.

#### PURPOSE OF THE ARTICLE

To restrict the use of single-use plastic straws in full-service restaurants in Natick

#### FINANCE COMMITTEE RECOMMENDATION

The Finance Committee took the following action:	RECOMMENDATION:	Referral to Board of Health
	QUANTUM OF VOTE:	8-0-0
	DATE VOTED:	September 8, 2020

# **MOTION** (Requires a Majority Vote)

Move to refer the subject matter of Article 15 to the Board of Health

#### FINANCE COMMITTEE PUBLIC HEARING AND DISCUSSION

Presenter: Mr. Clay Napurano

This article was considered by the Finance Committee as 2020 SATM Article 42. At the time, the presenter's father sponsored the article because Mr. Clay Napurano was not yet 18 years old. The Finance Committee previously voted to support Favorable Action 9-0-4. However, this was one of the articles postponed and referred to the sponsor due to our abbreviated 2020 Spring Annual Town Meeting. The Finance Committee was provided materials from the spring, along with the March 5, 2020 minutes where this article was discussed.

The Chair spoke with Town Counsel and the Moderator about whether it's appropriate for the Finance Committee to vote on a resolution. Normally, at Town Meeting, resolutions are made without Finance Committee involvement. Both Town Counsel and the Moderator said that is not typical and their

suggestion, that we can take under advisement, is to make a referral motion to the Board of Health and include the text of the resolution within the referral.

Mr. Napurano recently graduated from Natick HS and is now attending Brandeis University. He said that he successfully banned use of plastic straws at NHS. Mr. Napurano continues to research how to restrict the usage of plastic straws at full-service restaurants in Natick. After his presentation in the spring, he reached out to approximately fifty local restaurants in Natick. He didn't get a huge response because these businesses were dealing with the COVID pandemic, but he did receive support from a few places, including Buttercup, in Natick Center, which has been using biodegradable straws for the last 6-12 months; Pizza by Rocco was also supportive. He has been working at the Lookout Farm Tap Room over the summer and brought up the issue with them as well. He also reached out to the Director of the Health but he has been very busy handling the COVID pandemic. He will be presenting at a Board of Health meeting sometime in October prior to Town Meeting.

Based on his research, the majority of places where plastic straws have been restricted only issue warnings. In terms of enforcement, a patron can and should be able to ask for a straw.

# **Questions from the Committee**

A member asked whether full-service restaurant includes fast food restaurants. Mr. Napurano said it does not and noted that he is trying to start this on a small scale and looking to implement this in full-service restaurants where a waiter brings out food and beverages. Adding fast-food restaurants greatly increases the complexity.

A member noted that it sounds like the intent is to forbid unsolicited provision of plastic straws and stirrers and Mr. Napurano agreed and said that this resolution would hopefully encourage a restaurant not to offer a straw unless asked and consider non-plastic, biodegradable straws.

A member stated that he was looking at what other states have done on banning plastic straws and noted that California has a statewide ban on plastic straws, with two exceptions – full-service restaurants and convenience stores. The member asked Mr. Napurano to consider adding convenience store to his resolution. Mr. Napurano said that he would like to move forward with full-service restaurants only at this time.

A member asked whether this would add extra cost to businesses because they would have to have two styles of straws available to customers. Mr. Napurano said most full-service restaurants in Natick have a large number of straws that they are using. This resolution would not require them to discard those straws and can continue to provide them to customers that request them.

A member noted that even small fines will be harmful to these businesses. Mr. Napurano said his research indicate that where plastic straws are banned or restricted, this did not negatively impact those businesses.

The Finance Committee moved to refer Article 15 to the Board of Health, voted 8-0-0.

#### **Debate**

A member commended Mr. Napurano on his dedication for following up on the things that the Finance Committee asked him to follow up on during a time that was difficult to contact people and get responses from them. This is a grassroots effort where each community has someone like you who helps push this forward and this creates momentum so the state starts to notice it and think about a state-wide ban. Restaurants need the carrot, not the stick right now.

A member was in favor of this article on its merits and the relatively minor incremental changes advocated and noted that it seems simple to avoid running afoul of the regulation by stopping the unsolicited delivery of straws

A member liked the mature way that the sponsor is requesting incremental change, but noted a concern about government managing things vs. persuading people that it's the right way to do.

A member is hoping that the Board of Health will eliminate the fine that is included in this article.

# Motion as provided by the Sponsor (requires a majority vote)

Move that the Town vote to approve the following resolution:

WHEREAS The Town of Natick has not ruled on the restriction of plastic straws and stirrers; and

WHEREAS Chapter 27 of the Natick Board of Health Regulations reduces the use of plastic bags in Natick, plastic straws would be a similar regulation and thus easier to regulate and create because it has been done before with success in Natick and;

WHEREAS Plastic straws do not consistently pass through recycling plants and thus end up in the environment which pollutes our oceans and forests since plastic straws are not biodegradable and;

WHEREAS Paper straws and other alternatives are produced in the United States, while plastic straws are mostly produced overseas, therefore purchasing paper straws supports American industry and;

WHEREAS Natick High School removed plastic straws from its cafeteria and the movement was highly supported by students;

WHEREAS If food establishments do not want to purchase alternatives to plastic straws, they can simply not use any straws and;

WHEREAS If a customer has any impairments or disability that requires them to use a plastic beverage straw or a customer wants to drink from a plastic straw, food establishments shall be allowed to provide this and;

WHEREAS Natick should not prohibit anyone from drinking from a plastic beverage straw or using a plastic stirrer, they should just restrict them in full service restaurants and;

WHEREAS Restricting plastic drinking straws from eating establishments is a simple solution that would only benefit the town of Natick, United States industry, and the environment;

THEREFORE RESOLVED That the Town, by vote of Town Meeting, will create an article restricting plastic beverage straws and stirrers from full service restaurants with a small fine if restaurants do not comply; and

RESOLVED That the Town requests the Health Department alongside the Building Department, and office of Sustainability to execute the law drafted in part by the Board of Health.

~~ END OF ARTICLE ~~

# ARTICLE 16 Review and Revise the Natick Town Seal (Mia Kheyfetz, et al.)

#### ARTICLE LANGUAGE

To see what action the Town will take to review and revise the Town Seal, including the preparation of a report and recommendation for a future Town Meeting, or otherwise act thereon

#### PURPOSE OF THE ARTICLE

To establish a Town Seal Review Committee whose charge shall be to review the history of Town Seals in Natick and propose a new Town Seal after a public process

#### FINANCE COMMITTEE RECOMMENDATION

The Finance Committee took the following action:	RECOMMENDATION:	No Recommendation
	QUANTUM OF VOTE:	Favorable Action 7-3-0
	DATE VOTED:	September 8, 2020

## **MOTION**

None

## FINANCE COMMITTEE PUBLIC HEARING AND DISCUSSION

Presenters: Ms. Mia Kheyfetz, Mr. Josh Ostroff

Ms. Kheyfetz stated that the Natick town seal represents us as a community and we can do much better than the seal we use now. A new town seal should present a deeper understanding of the town's history and better reflect our values. The current town seal is the third town seal in our history and was adopted by Town Meeting in 1980. The image was based off of a seal created for the celebration of the Town's 300th anniversary in 1951. It was not originally created to be a town seal.

There are numerous versions of this image used today around town. The image is historically inaccurate and reinforces an incomplete re-telling of Natick's early history and perpetuates disrespectful stereotypes. It enshrines John Elliot's role in the founding of Natick in 1651, but does not speak to the role native people had in collaborating with Elliot in founding Natick. The seal also excludes other elements of the town's rich history. The seal is an official image that appears on Town vehicles, Town

products and communications and we can and should do better. We want to change the seal in a way that is well-informed and respectful of history that encourages civic participation and upholds a high design standard.

This is on the Town Meeting warrant because Massachusetts law gives Town Meeting the sole authority to choose a new Town seal. This article seeks to create a committee dedicated to the task of researching the creation of a new seal and creating a report with recommendations to a future Town Meeting. While there are many issues in Town that deserve attention, this committee's research should be done in a way that is thoughtful and does not distract from urgent priorities.

Here is our first seal which is the Natick brand.



The Postal Cancellation Style seal has been in use since at least 1876 and shows the date of Natick's official incorporation into the Commonwealth and remained the official Town Seal until 1980, or 104 years.



The Tercentenary Seal has text on it that refers to the Bible as translated by John Eliot and many others. It was updated in the 1990s to be more historically accurate. The image was hand-done in the 1950s and not easily reproduced in a digital format. Today, there are many variations of the seal with variations in both images used and text used without any standard. Some of them appear a little more cartoonish because it is difficult to convert a hand-drawn image to be a crisp digital image. In creating the next seal, we would have the original digital files that would make it easier to be standardized and useful.



Ms. Kheyfetz said that while the seal does depict history, it does so from the point of view of white settler colonists, in particular, Puritan missionaries.

- This repeated use of this imagery normalizes a 1950's view of a 17th century understanding of the relationship between the Puritans and the Indigenous people they encountered.
- The image does not accurately depict Natick's first inhabitants.
  - Because English style dress and overall "Anglicizing" was a requirement for eventually
    joining the church, the Native people Eliot was establishing Natick with were unlikely to
    have much resemblance to the stereotypical image presented on the seal.
  - Women are completely absent from the image, and from the Eliot founding story as it is usually told.
- Eliot is the main focus, and does not portray any agency on the part of the people with whom he founded Natick. Natick was not founded by Eliot alone, but rather was negotiated in concert with Indigenous leaders.
  - The image itself is generic, and could apply to any of the Praying Towns Eliot was involved with.
  - o The imagery perpetuates the notion of Native Americans as belonging only in our history, rather than of a living, evolving culture.
  - o The image depicts a religious scene and celebrates the translation of the Bible. How relevant is that to our diverse town

At a time when the country is grappling with its founding narrative, and with the unequal lived experiences of Black, Indigenous, and other people of color, we cannot ignore Natick's own history and the imagery we use to represent our community. Many other communities in the Commonwealth are evaluating their town seals. Newton formed a committee at the direction of the Mayor and the Newton Historical Society formed a committee to review their seal. In many respects, Newton's town seal is similar in many regards to Natick's seal. Other towns include Mashpee, Westborough, as well as the State Senate flag.

Natick has a rich and complex history that should be better understood by all generations. This history is taught in third grade curriculum in Natick. In concert with the Natick Historical Society, they visit three sites and the Natick Historical Society is working to further engage with Natick teachers to get more of Natick's history taught in other grades. The basic outline of the founding of Natick by Eliot is generally well known. Other aspects of Natick's history are not, including the complexity of Natick's founding story, what happened to the inhabitants of Eliot's praying village during King Phillip's War, and the ongoing history of Native Americans in Natick.

Asking the town to reconsider the current seal is not asking to ignore or replace our history as a Praying Town. This effort is to encourage discussion in an inclusive process, part of which is a closer examination of our history.

# **Questions from the Committee**

A member asked whether the Town Moderator is comfortable acting as the appointing authority should this Article be approved by Town Meeting. Mr. Foss said that he obeys the will of Town Meeting and is bound by their vote. Good discussion on a topic gives a Town Moderator more ideas and helps identify individuals who would be appropriate to be on a given.

A member asked about how the Committee selection process works and how the Moderator might work to get a diverse set of views as part of this Committee. Mr. Foss said that after the conclusion of Town Meeting, he waits 7-10 days, and then posts a notice of the committee to be formed on the Natick Town web site requesting that interested parties respond. While that occurs, he'll think about who the best people might be to provide input such as historians, indigenous people, and others.

A member asked asked if there whether there are specific qualifications that the Moderator would be looking for in asking people to serve on this committee. Mr. Foss said Town Meeting members can write the motion in such a way to establish the qualification criteria in the motion. Ms. Kheyfetz said the proponents of this article would like to have a group of people that bring different skill sets and different knowledge bases to this committee.

A member challenged the statement that the Town can do much better and a new town seal should represent a deeper understanding of the town's history and better reflect our values and questioned how a single picture could convey this. Ms. Kheyfetz said it is her opinion that the town can do better. Part of the problem with the seal is that visual images are like headlines that are shorn of their context. The story of Natick is complex and cannot be encapsulated in a small image.

A member asked whether there anything pressing about this issue that can't wait till the Spring Town Meeting. Ms. Kheyfetz said it's a situation where once you're aware of it, you have some responsibility to address it. In light of what's going on in our country, and with our state seal, it seems a good time to discuss this.

#### **Public Comments**

Mr. Jakob Stokes said his main concern is that while the current call-to-action of the seal seems to be what aspect of history it's representing and how Natick's history is being represented, there doesn't seem to be much advocacy for retaining symbolism and accurate representation of the indigenous Natick people that currently are on the seal. I believe we should pay homage to the indigenous Natick people whether through symbolism or representation of their culture or language.

Mr. Josh Ostroff thanked Ms. Khayfetz for the diligence with which she's pursued this process, the large amount of outreach that's gone into this and the conversations with representatives of Native communities who don't speak with one voice. There's been a significant fissure between different people descended from indigenous tribes and the challenge of a public process to come up with a design that is respectful to Natick's history and all the people and events that shaped it. And I'm glad that there were

questions about how that committee would be formed because I think that the skills that would be required are not easy to come by. But typical of what I've seen in this community, we've got a lot of talent and a committee like this will draw people forward who might not otherwise get involved and they may go on to do other things too.

This Article is a way to make Town Meeting aware of the authority it has under MGL to create a new seal. This committee would work with interested parties and report back to Town Meeting with their inputs and a redesigned Town Seal. If Town Meeting rejects the Town Seal, then Natick continues to use the existing Town Seal.

Mr. Joseph Napurano said that he's a professional graphic designer and noted that the Town Seal design could be more professionally executed. After moving from Newton to Natick, I saw the mural in the Post Office and was surprised to see it in a public building. I'm sure it was a wonderful project at the time, but I believe making something more professional reflects the quality of the town.

A letter received from Mr. Cody Jacobs, resident, Precinct 2

#### Dear Members of the Finance Committee:

I am writing you today to express my strong support of the Town Meeting Article concerning a redesign of the Town Seal. As the presentation you will see during your meeting will illustrate, the current Town Seal is a racist symbol, not of our town's actual history, but of the way that history was popularly imagined by some White residents in the mid-Twentieth Century. As you may be aware, many other towns around Massachusetts and even the state itself are similarly re-evaluating the imagery used on seals.

I won't rehash all the arguments in favor of a redesign because I know those will be thoroughly presented by the sponsors of the Article and others who may speak at the meeting. Instead, I want to focus on responding to two of the main arguments I have heard raised in response to this proposal.

The first argument of many opponents is that changing the seal is "erasing history." This is incorrect—neither the seal itself nor the image depicted on it is "history" in any real sense. The seal itself is not a longstanding or unchanging part of Natick's history. It was created in 1950 and wasn't even adopted as the official town seal until 30 years later, in 1980. My understanding is that even since then, the seal has undergone some significant alterations (for example, changing the houses depicted in the background).

The imagery on the seal itself is highly misleading in some respects and downright inaccurate in others. John Elliott was not preaching to Native people in loincloths passively sitting down in the woods. Instead, as the presentation will illustrate in more detail, Native people had significant agency in choosing to convert to Christianity and come live in Praying Indian towns like Natick. Also, the clothing worn both by Mr. Elliott and the Native people is not historically accurate—while Native people in the area did wear less clothing than the colonists, it varied by the season for both groups and it would have been very unlikely that the Native people would be wearing only loincloths while Mr.

Elliot wore the stifling heavy dress depicted in the seal. In fact, other than special occasions, colonists in New England usually dressed in a far more relaxed manner.<sup>1</sup> These may seem like minor details, but they illustrate the larger point that this seal is not "history" at all, and replacing it would therefore not erase any history that actually exists.

A second argument from opponents bears mentioning as well—the idea that this is not important or worth our time because there are bigger problems in the world, in Natick, and/or larger issues of structural racism to address. All that may be true, but it isn't an actual reason not to address racist imagery like the seal. The argument that there are bigger problems is much like saying that I shouldn't pick my socks up off the floor because that alone won't clean my entire room—it is simply an excuse to do nothing. Addressing the seal is a great step in the right direction and we should take it.

I strongly urge the Finance Committee to recommend that Town Meeting approve this Article. Thank you,

Cody Jacobs 16 Tamarack Road (Precinct 2)

The Finance Committee had two motions: Referral to Sponsor, voted 3-7-0 and Favorable Action voted 7-3-0. The Finance Committee has no recommendation for Town Meeting since neither motion received the required quantum of votes.

# **Debate**

A question raised was the timing of doing this work. For the sake of discussion, this is approved by Town Meeting. It then takes 60 days or so to get through the Mass. Legislature for approval, so we're looking at early 2021 before the Moderator can advertise for positions on this committee. With luck, the proponents who have done fantastic might have an interim report by Spring Town Meeting, but more likely at next Fall Town Meeting, so I think the sooner we get this started, the better. The other aspect is a Study Committee does nothing more than go off to study the issue and talk with all interested parties, both pro and con and present that information and this comes back to the Finance Committee, the Select Board as a report that gets discussed at Town Meeting and Town Meeting decides what action to take after hearing the report.

A member opined that he would like to see more fine tuning of the article in terms of ideas, the make-up of the committee and this would save time and effort and energy on Town Meeting floor, so I would like to see this come back in the spring.

<sup>&</sup>lt;sup>1</sup> These two sources may provide more about the clothing specifically: Sargent Bush, "America's Origin Myth: Remembering Plymouth Rock" Paul Heike, "The Myths That Made America: An Introduction to American Studies"

A member stated that he disagreed with many of things said in the presentation and that it wasn't a positive proposal, just a listing of the existing problems. This Town Seal shows what it shows because the distinction of Natick was that it was a Christian Indian village, the biggest and the only surviving village that retained its original name. Every other town in Massachusetts had Native Americans in it every other town in Massachusetts had other history in it. He would like to see proposals on what would be portrayed prior to the design of the new Town Seal.

A member noted that she has witnessed that many times when people come in with an idea, they are asked by the Finance Committee to take a step back and not come in with a fully formed plan of what should be done, but rather to engage in an interactive process that includes the citizens in a process that can create buy-in and allows multiple voices to be heard. The suggestion that it would be beneficial for the sponsor of this article to come in with prototype designs or an idea of what the new design would be is an illustration of what the Finance Committee has asked others not to do.

A member noted that back in 2017, the town paid a significant amount of money to Investment Consulting associates to develop a Town of Natick targeted economic development action plan. On page 29 of the final report, it notes that the town really doesn't have a good logo that can be used for marketing and economic development and they recommended that the town develop an updated, standardized logo for this purpose. They go on to say the Town should a logo that's more reasonable to modern sensibilities.

A member opined that the current Town Seal is a little cartoonish and contains representations of visual power relationships that are disturbing to people who see that image without historical context.

A member was encouraged by the energy of some of the citizens we've heard from tonight who are excited about this and might get really engaged.

# Motion as provided by the Sponsor (requires a Majority vote)

Move to establish a Town Seal Review Committee of up to seven individuals appointed by the Moderator, said committee to include persons suited to the charge of the committee by their interest and familiarity with history, design, and civic participation, and whose charge shall be to review the history of Town Seals in Natick; to propose a new Town Seal after a public process that shall include consultation with a diverse group of stakeholders including members of Indigenous communities; to hold at least one public forum; and to provide a report and recommendation to a future Town Meeting that shall consider implementation of a new seal; and further, to appropriate \$2000 from Free Cash for purposes of providing honoraria to individuals for consultation with the committee, to be expended under the direction of the Town Administrator.

~~ END OF ARTICLE ~~

#### **ARTICLE 17**

# To Amend Certain Provisions of Section III-I.2.2.5 of the Town of Natick Zoning By-laws (Sheryl Turner, et al.)

#### ARTICLE LANGUAGE

To Amend Certain Provisions of Section III-I.2.2.5 of the Town of Natick Zoning By-laws
To see if the Town will vote to amend the Natick Zoning Bylaw by amending certain provisions of
Section III-1.2.2.5 (Intensity Regulations) of the Bylaw concerning Minimum Setbacks as set forth in
Section 111-I.2.2.5.3.a, Width and Additional Setbacks as set forth in Section 111-I.2.2.5.5, and Sky
Exposure Plane as set forth in Section 111-1.2.2.5.9 or take any action relative thereto.

#### FINANCE COMMITTEE RECOMMENDATION

The Finance Committee took the following action:	RECOMMENDATION:	Favorable Action
	QUANTUM OF VOTE:	10-0-2
	DATE VOTED:	September 15, 2020

## **MOTION** (Requires a 2/3 Vote)

Move to amend Section III-I.2. Independent Senior Living Overlay Option Plan of the Natick Zoning Bylaws by the following:

#### A. 2.5. Intensity Regulations

- 1. In section 3 Minimum Setbacks, part a Front Yard Setback insert after "40 feet" "or a distance that is no less than the average setback of the buildings that are located on the same side of the street of the subject parcel, within 450 feet of the subject parcel provided that the SPGA makes a specific finding in writing that the reduced setback results in a substantially better design" so that a. now reads:
  - a. Front yard setback: 40 feet; or a distance that is no less than the average setback of the buildings that are located on the same side of the street of the subject parcel, within 450 feet of the subject parcel provided that the SPGA makes a specific finding in writing that the reduced setback results in a substantially better design.
- 2. In section 5 Width and Additional Setbacks insert after the last sentence of the section "The SPGA may allow a setback of less than 80 feet for the main entrance to the building and the minimum of 40% of the width of the building, in an amount no greater than the difference between 40 feet and the lesser Front Yard Setback, if the lesser Front Yard Setback is permitted as provided for in Section III-I.2.2.5.3.a. provided that that the

SPGA makes a specific finding in writing that the lesser setback results in a substantially better design" so that 5. now reads:

- 5. Width and Additional Setbacks: Not withstanding any other provision to the contrary, no new building shall be permitted on any portion of a parcel having a width less than one half of the square root of the Net Usable Land Area. Both the main entrance to the building and a minimum of 40% of the width of the building, as measured across the front yard, shall be located at least 80 feet back from the front line of the parcel. The SPGA may allow a setback of less than 80 feet for the main entrance to the building and the minimum of 40% of the width of the building, in an amount no greater than the difference between 40 feet and the lesser Front Yard Setback, if the lesser Front Yard Setback is permitted as provided for in Section III-I.2.2.5.3.a. provided that that the SPGA makes a specific finding in writing that the lesser setback results in a substantially better design.
- 3. In section 9 Sky Exposure Plane insert at the end of the section "or to such lesser amount as may be necessary to allow for a Front Yard Setback of less than 40 feet as provided for in Section III-I.2.2.5.3.a provided that that the SPGA makes a specific finding in writing that the lesser Sky Exposure Plane results in a substantially better design" so that 9. now reads:
  - 9. Sky Exposure Plane: The roof of the building may not project beyond a sky exposure plane determined from a line 10 feet in from and parallel to the lot frontage line in a rise:run ratio of 0.50:1.00 or to such lesser amount as may be necessary to allow for a Front Yard Setback of less than 40 feet as provided for in Section III-I.2.2.5.3.a provided that that the SPGA makes a specific finding in writing that the lesser Sky Exposure Plane results in a substantially better design.

or to take any action relative thereto.

## FINANCE COMMITTEE PUBLIC HEARING AND DISCUSSION

The Finance Committee met on September 15, 2020 to discuss Article 17 and voted Favorable Action by a 10-0-2 vote. The Committee heard Article 12 and Article 17 concurrently, but voted each Article separately.

#### Presenters:

Mr. Brian Grossman, Attorney at Bowditch and Dewey LLP., representing Baron Construction Ms. Edna Marston, Natick resident, 25 Union Street and owner of 27 Union Street

Mr. Grossman said Article 17 came out of informal discussions with the Planning Board on what is now Article 12. Through that process, the neighborhood became aware of that potential and reached out again through Mr. Freas to meet to ask whether Baron Construction could discuss and collaborate on

what became Article 17. Article 17 focuses on the setback of the building or buildings related to a proposal within the ISLOOP district. It does so by addressing three separate points. The ultimate goal was to allow flexibility for the Planning Board to potentially allow the development to be closer to the front of the property line than the 40 foot setback that's hard-coded into the current bylaw.

There are two related provisions that go along with that push a building further back on the property that would a) limit design options generally and b) potentially force parking to be sited in the front of the building that was less desirable in our discussions with neighborhood residents.

In analyzing the project, there's a waterfall effect: a) you have the hard-coded 40 foot setback, b) a related provision that says the main entrance of the building needs to be 80 feet back, and the width provision wherein 40% of the width of the building needs to be 40 feet back, and c) the sky exposure plane. Taking those three things together, if you just change the front setback from 40 feet and don't change the other two along with it, you will not get the flexibility to allow a lesser front setback. Those three provisions are linked inextricably, and we worked with the Planning Board to change this as part of the proposal.

These modifications are specifically hard-coded in the proposal where they are rather than pushing them off to the Planning Board who generally has some waiver authority under Section V-E of the Natick Zoning Bylaws. However, there are limits to that waiver authority and the overall cumulative limit in that particular provision would effectively negate the ability to make the changes needed to provide a meaningful reduction in the front setback. The changes in Article 17 were specifically done to make the changes necessary to meet the setback requirements without requiring the Planning Board to issue a waiver.

Lastly, Article 17 does put some parameters around it. The front setback can only be reduced so that it's consistent with the buildings within 450 feet of it. That restriction was intentional because the 40 foot setback could push a building so far back that it would not be in line with anything else near it on the street. To allow for a substantially better design, the initial requirements (40 foot setback, 80 foot setback, and sky exposure plane requirements) were part of a thoughtful process by the Planning Board in 2017. However, if a proponent can demonstrate that a substantially better design results from a reduced setback, then the Planning Board would be able to modify that front setback to allow a different design than the original standard under the ISLOOP zoning bylaw would require.

That substantially better design language came from a number of other communities where I've been involved that have waiver provisions for various projects that are specific or more general like Natick provides for in Section V-D. It's a little subjective but there are objective components that the Planning Board can use to reduce the setback, if needed. Then, this becomes just another component of that Planning Board analysis of whether the project a meets the overall approval criteria and whether the Planning Board wants to depart from the setback requirements because that departure results in a substantially better design.

Ms. Edna Marston said she lives at 25 Union Street and I own 25-27 Union Street (across-the street abutter) noted that the goal was to have any structure in this overlay district be set back so that it is in context with the neighborhood to make sure that it fit in as much as possible. That's why the neighbors worked with Mr. Goodman and sponsored Article 17.

Two letters were sent to the Finance Committee in support of Article 17.

Letter from Jan Phlegar, 11 Malden Street, Precinct 9

To the Chair and Members of the Natick Finance Committee,

My name is Jan Phlegar and I live at 11 Malden St, Natick, MA 01760, which is about a block away from the ISLOOP. As I am not able to attend on Tuesday, Sept. 15 when you are holding the hearing on Article 17, I write these brief comments to respectfully support my request that the Finance Committee vote to recommend favorable action on Article 17.

I am part of a group of neighbors who have worked in collaboration with the representative of the developer group, Brian Grossman, on Article 17. Examination of the ISLOOP shows that if the developer adhered to the Intensity regulations currently contained in the ISLOOP (Section 2.5), we are likely to end up with a large, imposing building, set back from the road with parking in the front. This is not consistent with the neighborhood and is in direct conflict with what Section 2.4 Standards describes, which states "design standards that are consistent with a) the general neighborhood, b) the prevalent streetscape, and other provisions of the Standards section." We ask that any zoning change be given careful consideration to help ensure that any project built there enhances and is respectful to the residential neighborhood.

The neighbors have worked with the developer on the Intensity Regulations with the result that the ISLOOP is not changed, but in sections 2.5, numbers 3, 5 and 9, there are provisions for the SPGA to allow for changes if these changes allow for a substantially better design. In my view, a substantially better design is one that that keeps the character and density of the residential neighborhood in mind.

Again, I ask that Fin Com please recommend favorable action on Article 17.

Thank you,

Jan Phlegar 11 Malden St. Precinct 9

# Email from Mr. Michael Hickey, 5 Milk Street, Precinct 9

Date: Tue, Sep 15, 2020 at 11:41 AM

Subject: 2020 FATM Art. 17 re: Independent Senior Living Overlay Option Plan

To: Linda Wollschlager

Dear Madam Chair and Members of the Natick Finance Committee,

I'm writing to respectfully request that the Finance Committee recommend favorable action on 2020 FATM Article 17, relating to the Independent Senior Living Overlay Option Plan ("ISLOOP"), the zoning overlay district which covers a few parcels on Union Street. I live at 5 Milk Street, near the corner of Union Street, and I've been advised by the Community Development Department that I am an "abutter" to the property subject to the ISLOOP. Please note that I am writing solely in my individual capacity, not as a Select Board member, and that I'm only representing my personal view on Art. 17.

Given my appreciation for how busy your Committee is this time of year, and knowing you've heard from – or will hear from – at least a few of my neighbors, I'll keep this as brief as possible. If passed, Art. 17 would simply add language to the existing ISLOOP bylaw to enable the developer to consider additional and, potentially, better design options. And it would afford the Special Permit Granting Authority (that would ultimately take up an application) with a bit more flexibility and discretion to ensure that what ultimately gets built is a good overall "fit" for the neighborhood.

I see Art. 17 as a great example of collaboration between a developer team that is willing to listen, and neighborhood residents who are both welcoming and interested in ensuring that change takes place in a thoughtful and respectful manner. I would again respectfully request that the Finance Committee recommend favorable action on Art. 17.

Thank you for considering my input, and thank you for the hard work you're all doing on behalf of the Town.

Respectfully,

Mike Hickey 5 Milk Street, Natick Precinct 9 A member asked what the Planning Board voted on these two articles. The Chair said the Planning Board voted Favorable Action 5-0-0 on Article 12 and voted Favorable Action 4-0-1 on Article 17.

A member asked whether the ISLOOP is exclusively residential and doesn't include retail, medical, or anything else. Mr. Grossman said, without looking at specific site considerations, you can design a building in a number of different ways. Whether those designs would make sense from an access standpoint would be determined in the design phase and reviewed by the Planning Board. Mr. Grossman noted that the article came out of discussions with neighbors (Ms. Marston, Ms. Phlegar, and Mr. Hickey) and this article provides the flexibility for a future developer to look at it and figure out what works best for the property.

A member asked if the purpose of Article 17 is to change the setback for any proposed buildings in Article 12. Mr. Grossman noted that there are three related things that specify how far back the building needs to be set: 1) the initial front setback requirement of 40 feet; 2) the secondary setback that has to do with main entrance as well as the main body of the building and a minimum setback for that; 3) the sky exposure plane part of it. These three things all have an effect on the location of the building in relation to the front yard setback in general. Article 17 deals with all three of these aspects to allow the Planning Board the latitude to make modifications that will result in a substantially better design through allowing for the reduced setback.

A member asked whether the proposed changes would be in line with the setbacks on the other properties in that stretch on Union Street. Mr. Grossman said they would and noted that the first provision, the 40 foot front yard setback says that the reduction in front yard setback can't be less than the average front yard setback of the buildings within 450 feet. So the goal is to a lot allow it to be aligned with those buildings but not come closer to the street.

A member asked for confirmation that you're not seeking any change in the rear or the side setbacks (Mr. Grossman confirmed this).

A member asked what the maximum height allowed as a result of this change. Mr. Grossman noted that this article doesn't change the overall permitted height in the zoning district which I recall is 35 feet.

A member asked about the net effect of relaxing the sky exposure plane regulation. Mr. Grossman said the overall effect of changing the sky exposure plane is to provide the flexibility if the building developer were to take advantage of the other two provisions and move closer to the front lot line, whether or not the current sky exposure plane calculation would work in the reduced location. Again, the three provisions being altered are interrelated. If the first two provisions allow you to pull the building forward to a spot that would result in a substantially better design, but then you do the math on the sky exposure plane and you break it, then it pushes it back from the street. This came out of discussions with the neighborhood and is designed to ensure that the Planning Board has the ability to modify the sky exposure plane so it was consistent with the modification of the front setback and then the width entrance of that parcel. Further, Mr. Grossman noted that these modifications only relate to the sky exposure plane in the ISLOOP – it's not a universal change across the rest of the zoning bylaws.

A member noted that these properties are located on steep angle going up Union Street and asked from what point the rear setback is calculated because there are wetlands in the rear of the lot. Mr. Grossman said he is familiar with the plan, but not the topography, but noted that the proposed article doesn't change the required 40 foot rear setback so that would push the building more towards the middle or front of the lot. A member added that RSA and RSC zones have a 25 foot rear setback whereas the ISLOOP has a more generous 40 foot rear setback. A member also added that setbacks are from property lines and not from topographical features.

A member noted that this was a good example of how engagement between the neighbors and property owners worked well. The abutters were able to speak with the Planning Board and that helped the Planning Board re-shape the ISLOOP to make it more palatable to the neighborhood. Some members who were on this Committee may remember that the previous incarnation of this wasn't as well received so kudos to the proponents in working to refine this and figure out a way to make it work better for the neighborhood.

~~ END OF ARTICLE ~~

#### **ARTICLE 18**

# Amend Home Occupation Dog Kennel Zoning (Town Moderator on behalf of Saul Beaumont et al)

#### ARTICLE LANGUAGE

To see if the Town will vote to amend the Town of Natick Zoning Bylaws as follows, including but not limited to:

- Amend Section I/Article I Section 200 DEFINITIONS to establish, create, define, and/or recognize multiple methods, arrangements, and/or forms of owning, breeding, boarding, caring for, supervising, kenneling, and/or otherwise maintaining dogs in a Home Occupation/Customary Home Occupation Dog Kennel; and
- 2) Amend any other Section of the Natick Zoning Bylaw necessary to regulate these uses; or otherwise act thereon.

#### PURPOSE OF THE ARTICLE

To protect the residents of Natick from having a Home Occupation Dog Kennel of more than six dogs

#### FINANCE COMMITTEE RECOMMENDATION

The Finance Committee took the following action:	RECOMMENDATION:	Referral to Sponsor
	QUANTUM OF VOTE:	9-0-0
	DATE VOTED:	September 10, 2020

## **MOTION** (Requires a Majority Vote)

Move to refer the subject matter of Article 18 to the sponsor

#### FINANCE COMMITTEE PUBLIC HEARING AND DISCUSSION

The Finance Committee met to discuss Article 18 at a meeting on September 10, 2020 and voted to recommend Referral to Sponsor by a 9-0-0 vote.

Presenter, Mr. Saul Beaumont, Town Meeting member, Precinct 10

Mr. Beaumont said in Spring 2019 Town Meeting, a ban of commercial kennels in residential zones was enacted in a landslide vote of 104 - 6. Following the vote on the ban at Town Meeting, a motion to limit

dogs in a home occupation kennel was made because of resident's concerns about large kennels. A Planning Board Member testified that the Planning Board needs flexibility of dog quantity, but they would protect the residents when an application is made. The general consensus at Town Meeting was that a hallmark of home occupation kennel is for someone to earn a few dollars or dog sitting needs of their neighbors. Town Meeting defeated the motion to limit the quantity of dogs in a home occupation kennel.

Mr. Beaumont said a home occupation is defined as the type of business operated out of a residence such as an office or a lab, a dentist or a tailor, using less than 25% of the house area. There is an entity in the zoning bylaws called "Home Occupation/Customary Home Occupation Dog Kennel" that has no definition of quantity of dogs. This article changes the definition to limit dog quantity which is very important to the neighbors. The revised definition will protect the residents, consistent with the zoning bylaws and there will be no legal way to increase the dog quantity. Also note that this article refers only to residentially zoned areas of Natick. This article seeks to adjust the bylaw definition to limit, among other things, the quantity of dogs in the home occupation kennel to six dogs. The current bylaw leaves the quantity of dogs to the discretion of the Planning Board. Massachusetts law and Natick bylaws include a four dog limit in a residential zone for people who want dogs, but don't have a dog kennel business. This article relieves the Planning Board from the need to judge what dog quantity is acceptable.

Following Town Meeting in the summer of 2019, the Planning Board received an application for a permit for a home occupation kennel for 34 dogs. Over abutter objections, the Planning Board allowed the applicant to apply for a 12 dog kennel in South Natick. Residents' objections include noise, neighborhood character, increased traffic and property value reduction. Residents felt the Planning Board did not protect them as promised. Despite these objections, the Planning Board issued the special permit, which is now under appeal in Massachusetts Land Court at great expense to the residents.

The statement in the zoning bylaw relative relevant to resident rights is in Section 100, and reads "to preserve and to promote the life health, safety, morals, convenience and welfare of the townspeople, to improve and beautify the town, to protect real estate from damaging uses of adjacent property and to further the social and economic prosperity of the community." The bylaws exist to protect residents first, not someone who wants to change a neighborhood over the objections of the neighbors.

This article is about not allowing a large dog kennel in a residential zone disguised as a home occupation. Commercial kennels are prohibited in residential zones. Personal kennels are limited to four dogs but a home occupation kennel has no limit on the quantity of dogs. The Planning Board turned down favorable action on this article by a 0 - 5 - 0 vote. Discussion at the Planning Board was interesting because the content (loudness, barking dogs, whether dog size influences noise levels) and direction of their comments are exactly why the article needed to be written, but not one comment was made in reference to the bylaws or to the rights of the citizens. Please note that the current legal home

occupation kennel would be grandfathered. I hope that you will support this article so that applicants for special permits for home occupation kennels will know exactly what their options are.

A member asked whether the Planning Board permitted a 12 dog commercial kennel. Mr. Beaumont said that commercial dog kennels are not allowed in residential areas in Natick, but the home occupation dog kennel has no numerical limit. The 12 dogs was a home occupation kennel the Planning Board permitted last fall that originally came in at 34 dogs and was negotiated down to 12. Most of the neighbors are still upset with it and the issue is in land court.

A member asked how many residents the sponsor had spoken with and in what precincts do they live. Mr. Beaumont said he has spoken primarily with residents in Precincts 10 and 4.

A member asked whether the Planning Board asked any questions concerning the content of the proposed bylaw change during their review last night. Mr. Beaumont noted that they were familiar enough with this subject enough to make comments only and not to ask him specific questions.

A member asked whether other communities around don't allow this type of facility. Mr. Beaumont said he spoke to the community development people in a few towns and they said the residents don't want these kennels in residential zones. For instance, Wellesley doesn't allow a home occupation kennel unless somebody has a "real need" and gave an example where a resident wanted to take in dogs from her neighbors as a dog-sitter, so they allowed it.

A member asked whether the home occupation permit is for the property or the owner of the property. Mr. Beaumont did not know the answer, but another member said that the permit is for the particular person making the application for a given property, not the property itself and that after project review. a special permit may be issued.

#### **Public Comments**

Mr. Beaumont read a couple of statements from residents who wanted to comment, but could not attend tonight's meeting.

Connie Dinning Tue 9/8/2020 7:58 PM 14 Phillips St. Precinct 10

I wholeheartedly support the ban of kennels in residential areas. Many years ago, we decided not to look at a home we were interested in because there was a kennel at the home behind it and the barking was non-stop.

Rosemary Coyman Wed 9/9/2020 7:49 AM Precinct 10

Thanks Saul. If you'd like to read a note from me, I'd say that this gets at one of the most important things we all seek in our homes: peace! Limiting the number of dogs hopefully protects individuals' right to quiet enjoyment of their homes without being bothered by significant noise from a home kennel. Rose Coyman 6 Auburn St

Ery Magasanik Wed 9/9/2020 4:19 PM 39 Eliot Hill Rd. Precinct 10

Firstly I state that I am not a pet lover. ART. 18 Six dogs in our house means walking six dogs twice a day. Our streets and sidewalks will be taking over buy pet owners walking their dogs or professional dog walkers. I am against increasing from six and frankly would prefer to reduce it. Ery Magasanik

Jeff Whitley Wed 9/9/2020 6:11 PM, Precinct 10

This seems like a very workable solution and is a win win for all parties. I also think the town of Natick will be better and more valuable because of it. Jeffrey Whitley 176 Pegan Lane

John Cotter Wed 9/9/2020 6:47 PM 9 Eliot Hill Rd PD

Saul, as I cannot virtually appear at the Fincom meeting, please convey to the FinComm members that I absolutely support your article limiting the number of dogs in home occupation kennels.

Diane Holzheimer Thu 9/10/2020 8:25 AM

Dear Saul, We are 100% in support of Article 18 which seeks to amend the Natick Bylaws to prohibit a home occupation kennel from having more than six dogs. Thank you for your efforts on behalf of this important legislation. Sincerely, Diane and Bob Holzheimer 123 Eliot Street Natick, MA 01760

Gardi Hauck Thu 9/10/2020 9:27 AM Bruce and Gardi Hauck support Article 18 wholeheartedly!) 88 Eliot Street Natick MA 01760

Robin Wood Thu 9/10/2020 11:51 AM Precinct 10

Hi Saul I am writing in support of your Article 18 that seeks to amend the Natick Bylaws to prohibit a home occupation kennel from having more than six dogs. In fact, six dogs per private residence is too many dogs!!! What I really support is no permit but upholding the current state ruling (4 dogs without a special permit). In residential neighborhoods, four dogs in one dwelling is a lot of dogs!! The Town of Natick does not need to be in the business of enforcing dog issues between neighbors in our beautiful, peaceful, quiet residential neighborhoods.

Thank you for representing Natick residents. Robin Wood 22 South Lincoln St

Steven Vance, 7 Cemetery Street, Natick, Town Meeting member Precinct 4

I am the recipient of the first and, I believe, only permit granted under the 2019 Spring Annual Town Meeting permit for a home occupation dog kennel that Article 18 seeks to amend. I would be glad to answer any questions on the fine points of all of this. I have been through it in fairly extensive detail with the Planning Board. In the nine years we have been conducting this business at this location, there has never been a disturbance complaint nor was a disturbance complaint raised during the hearings

regarding the permit, only fears of it. The proposed amendment is inconsistent and not implementable because it does a lot more than limit the number of dogs to six dogs. For example, the total amount of time outside and the time dogs would be allowed out would require dogs to stay indoors for 17 consecutive hours from 4pm to 9am, an unrealistic requirement since no dogs can actually hold it for that long.

In addition, Art. 18 ties a permit to the square footage of the lot area – this was pulled from regulations in some other states. If you apply that, most of Natick could have neither a home occupation kennel nor hold up to four dogs as an individual resident without a permit. My lot is ¾ acre, which would allow six dogs under that heuristic, and you divide that by three and that yields two dogs, less than the four allowed-by-right in a residential district. The definitions of Home Occupation Dog Kennel and Commercial Breeding Kennels are very different. I attended the Planning Board meeting and listened to their deliberation and my takeaway from their 0-5-0 vote against Favorable Action is that a one year review period on the permit will come up at the beginning of 2021 and they would wait until that review to see how effective the permit is and make any decision at that time.

Lucia Frankel, 30 Tucker Street, Precinct 4.

My house is located across the street from the 12 dog kennel that was granted a permit last fall. I fully support Art. 18 that limits a home occupation kennel to six dogs. I have always felt that a home occupation business should be a discreet business in a residential neighborhood. My husband works out of our home and you would never know that he has a business in his home. I feel having more than six dogs day and night for up to 365 days a year, is a commercial-sized kennel and is not invisible. I feel that the new Natick law that was voted in last April was never intended for a commercial size business in a residential neighborhood.

The new zoning law banned commercial kennels in residential neighborhoods except for a small kennel with no more than one employee. I've always thought that it is not very safe to have more than six dogs regardless of how skilled the handler or well-behaved the dogs may be. With many dogs on one property, there may be an increase in noise and waste produced, all of which will have a detrimental effect on the character of a neighborhood and decrease the property values of adjacent homes. There should be a number set for the number of dogs allowed in one home in a residential neighborhood and a limit of six sounds reasonable and make sense.

Mr. Paul Baim, 24 Tucker St., Precinct 4

My home is a few houses away from the recently permitted home on Cemetery Street. I participated in every public meeting during the months-long process of deliberation by the Planning Board as they wrestled with that application to legitimize a business that had operated without license or permit for several years. The neighbors have not complained because they assumed the business was allowed and felt inhibited to preserve neighborhood relations. The last action by town government to enshrine this

type of business in the bylaws motivated the owners to seek a permit to not only continue their business, but to expand it, which did motivate neighbors to finally act to attempt to prevent that evolution.

Unfortunately, the bylaws as written do not specify the limits or parameters for such a business, leaving that determination to the Planning Board and granting them wide latitude in that process. What became clear to me after attending months of meetings is the Planning Board is well equipped to apply well-defined boundaries on many aspects of town businesses, but does not have the tools to adjudicate fairly when faced with an open charter, while comment from neighbors was tolerated as required by law It was uniformly ignored.

A subsequent discussion almost never included any of the points argued by us. At least one board member made clear at the very first meeting and repeated with regularity that their mind was already made up based on unrelated personal experiences with their own home business. Another board member routinely stated that the paramount consideration was not to harm this previously illegitimate business.

Various criteria for setting limits were considered and debated always with input from the applicant; never with due consideration for our counter arguments. At the final meeting, the vote was taken and the application was defeated by three members voting against having been persuaded by their own deliberations, that the scope of the proposed business was excessive. In a breathtaking disregard of due process, the two supportive members immediately engaged the three dissenters in a vigorous campaign to first re-open the so called final vote, and then did not relent until the other members agreed to change their votes to support the application. Notably, the applicant was not asked to participate. This was two board members engaging the other three in open advocacy.

The essence of a home business is to first be at home and only then to be a business. At some size, that business ceases to be a casual undertaking, and the business crowds out the home, corrupting the intent of allowing modest incidental income for a homeowner with an avocation or hobby they wish to monetize. To the extent that business is obvious and disruptive to the neighborhood. It intrudes on the rights of the neighbors to live in peace. Under the best of circumstances, it is the nature of dogs to bark, even a single dog can be oppressive to others if not well controlled. Nevertheless, the original application I described requested a capacity of more than 20 dogs boarded and 20 participating in outdoor play every afternoon numbers that rival many small commercial kennels.

The town regulations demand a permit for any business housing more than three dogs in a commercial zone. By steps, the application demand was reduced first to 17 dogs, then 12 dogs and finally to 12 dogs only for boarding. The fact that the original application was even considered, is clear evidence that limits must be established to constrain this process in the future. The neighbors in this case were willing to compromise on four to six dogs as a tolerable maximum. And even that compromise was never discussed afterward. It was after it was presented, because it would not meet the profit expectation of the applicant. Twelve dogs is a lot of dogs. Imagine that many dogs outside your windows at seven in the morning and 10 at night, seven days a week. We tried the experiment of relying on discretion to determine the outcome of such applications. I submit that experiment failed. Further clarity is needed to

avoid a repeat. Please support the generous limit of six dogs in a residence as stated in the proposed amendment.

Ryan Applegate, 28 Tucker Street. Precinct 4

I'm here to speak in support of Art. 18. Last year Natick zoning bylaws are updated to address the commercial kennels in residential neighborhoods. However, after a year one permit, it is apparent that the current home occupation kennel definition needs to be amended. The one application took over six months with numerous public hearings and working sessions and resulted in an appeal to the Mass. Land Court. As an abutter to the applicant and plaintiff in the appeal, I support Art. 18 so other residents are not subjected to the stress and disruption this process caused in my life and neighborhood. All the discussion about the application during the meetings came down to the number of dogs, the Planning Board struggled to answer the question of how many and why because the home occupation kennel bylaw as it's written today is too similar to that of the commercial kennel definition. It lacks explicit terms distinguishing incidental home kennels from commercial kennels.

I support Art. 18 because it makes a clear distinction between being incidental and commercial by providing the upper limit for number of dogs allowed and setting guidelines based on lot size. The proposed changes to the definition of the home occupation kennel will provide peace of mind for neighbors as well as clear guidelines for the Planning Board and the applicants. Natick has made a decision to allow small scale dog care businesses to run from homes. This is not a common practice and sets Natick apart from similar-sized towns across the state such as Amherst, Arlington, Billerica, Lexington, Plymouth Watertown and others that explicitly exclude kennels from home occupations. Ambiguous bylaws, especially ones that are headline grabbing topics like dogs can hurt the town's reputation and make it a less desirable place to live. Art. 18 is a positive step toward protecting homeowners against property value losses and ensures peaceful surroundings.

Ms. Cathi Collins, 7 Walkup Court.

Art. 18 makes creates a one-size-fits-all prescription that mandates that six dogs is the maximum and the number of dogs is dependent on square footage. My lot is less than a half an acre. I've routinely had two dogs in my home. At times, I've been a dog-sitter for friend's dogs and would I be in violation of the law if I have more than three dogs in a residential zone. The standard that the Planning Board has to apply is whether a use is "substantially more detrimental to the neighborhood than not". That's apparently not a standard that they found was the case. I'm not in favor of Art. 18. Anecdotally, I was at the dog park the other day where there were 12 dogs and there was not a single dog barking. Further, requiring dogs to be indoors for 17 straight hours is infeasible.

Ms. Sue Salamoff. Resident, Precinct 8

It's important to think back to the last couple of years. Many residents turned out at Town Meeting to express concern about kennels in residential areas, adjacent to the property or close to the property line.

Noise was one of the big issues. However, the point made about the timing of how long a dog might be permitted to be outside is not well thought-out. Maybe that facet could be amended. I certainly thought that it was a compromise to allow home occupation kennels in residential neighborhoods.

A member said the basic purpose of zoning is to protect the value of resident's properties. There must be a distinction between residential properties and commercial properties. If someone buys a residence — it's residentially zoned and they can reasonably expect not to have a dog kennel in the residence next door. How would a buyer know they were buying a house in a residentially zoned area that house a "dog park" as part of a home business? I think that we need to err on the side of reinforcing the value of residences, rather than a commercial business.

A member said he has listened carefully to the abutters to this business, and they've clearly expressed some concerns. I've also listened to those who ran the math on this and the math yields a very low number of dogs that could be put in a given area. There's a legitimate concern here that's been well expressed by abutters. On the other hand, the maker of this article added some content to this article that goes beyond the numbers of dogs and further review is needed.

Several members said they were sympathetic to people living in the neighborhood with the issues that gave rise to this article, both people operating in the home business and also neighbors. These members cited numerous flaws with the article, including:

- Cruel and inhumane standards. If these standards were applied and dogs are prohibited from being outside from 4pm to 9am, the ASPCA would be here in a heartbeat.
- At the bottom of the article, it talks about limiting dogs and puppies to be there only for three month period. Puppies cannot be spayed and neutered at such a young age.
- Reference to breeding kennels in the article. It's not ready.

A member said whenever he boards his dogs, they're not outside for two hours a day - they're going for walks and they do indoor play mostly inside the boarding facilities. The member understands that dogs make noise and more dogs make more noise. However, when they are outside they are usually quieter.

Several members said they were sympathetic to having 12 dogs in a residential area and said, no matter how big the property, there should be certain limits and 12 dogs are approaching the commercial size limits of boarding places.

A member described this article as extremely prescriptive and it goes well beyond the number of dogs and has some major flaws as a result. Further, the member pointed out that when the Planning Board votes unanimously against Favorable Action that carries a lot of weight because there aren't many things on which they unilaterally agree. If it were truly just the number, then a member of the Planning Board would have said perhaps they should adjust change the number, but they did not. The Planning Board issued a special permit that has one year duration and wrote into that special permit decision that they will review the special permit in 12 months. And if there are noise complaints that can be substantiated,

they can reconsider it at that time. The fact that this business has been there for nine years without a single noise complaint is baffling – it was only when the owner was advised that they needed a permit, that these concerns were raised. That indicates that the people running this home occupation kennel are doing their utmost to try to keep the noise down during operations and to let the dogs out during the day to not affect people's peace and quiet when they're home in the evening.

# Motion as provided by the Sponsor (requires a 2/3 vote)

Move that the town vote to amend the Town of Natick Zoning Bylaws by modifying Article I, Section 200 (Definitions) to delete the existing definition for Home Occupation/Customary Home Occupation Dog Kennel in its entirety and replace it with the following:

Home Occupation/Customary Home Occupation Dog Kennel: A "Home Occupation/Customary Home Occupation," compliant with that term and meaning as defined in Town of Natick - Zoning Bylaw Section I/Article I, Section 200\* subject to all the other limits and requirements of this definition and used exclusively for overnight boarding of dogs. Outdoor exercise of dogs can occur for a total of no more than 2 hours per day per facility and must occur only between 9:00 A.M. and 4:00 P.M. Such services may only be rendered in exchange for consideration and in the absence of the owner of any such dogs, or while engaged in the business of breeding dogs for sale or exchange to wholesalers, brokers, or pet shops in return for consideration. A boarding dog kennel and a breeding dog kennel cannot exist at the same time on any one lot or parcel. There shall be no more than the lesser of one dog for every 5,000 square feet of lot area or six (6) dogs maximum allowed at the Home Occupation/Customary Home Occupation Dog Kennel site at any one time, including any dogs that are the property of an owner or employee of the establishment. An exception is made for no more than one (1) dog at any one time briefly at the site for purposes of evaluation only and in the presence of the owner of said dog. The limits on the number of dogs shall not apply to a breeding dog kennel if the number of puppies causes an increase in the number of dogs. This exception is temporary and cannot apply for a time period longer than three months after such puppies are born."

# **Current bylaw for reference:**

Home Occupation/Customary Home Occupation Dog Kennel: A "Home Occupation/Customary Home Occupation," compliant with that term and meaning as defined in Town of Natick - Zoning Bylaw Section I/Article I, Section 200\* except allowing partial outdoor conduct by such home occupation as necessary for proper dog care, used for boarding, holding, day care, overnight stays or training of dogs that are not the property of the owner of the establishment, at which such services are rendered in exchange for consideration and in the absence of the owner of any such dogs, or engaged in the business of breeding dogs for sale or exchange to wholesalers, brokers or pet shops in return for consideration.

~~ END OF ARTICLE ~~

#### ARTICLE 19

# Reform of the Electoral Process (Town Moderator on behalf of Paul Connolly et al)

## ARTICLE LANGUAGE

To see if the Town will take action first to study and later to implement a reform of the electoral process for choosing elected Town officers that is based on the use of a method of ranked-choice voting in which voters indicate their order of preference for the candidates they choose. The goal is that all candidates elected have received votes from a majority of those voting for that office, whether that is achieved using first choice votes only or when subsequent choice votes are incorporated into the calculations in tum. The second goal achieved is the elimination of preliminary elections.

## PURPOSE OF THE ARTICLE

A resolution to support efforts that can lead to implementation of ranked-choice voting at Town elections

#### FINANCE COMMITTEE RECOMMENDATION

	RECOMMENDATION:	Referral to Sponsor and Town
The Finance Committee took the		Clerk
following action:	QUANTUM OF VOTE:	9-0-0
	DATE VOTED:	September 8, 2020

**MOTION** (Requires a Majority Vote)

Move to refer the subject matter of Article 19 to the Sponsor and Town Clerk

## FINANCE COMMITTEE PUBLIC HEARING AND DISCUSSION

Presenter: Mr. Paul Connolly, Town Meeting member

This article was reviewed by the Finance Committee in Spring 2020, but had no recommendation to Town Meeting, and was also postponed to Fall Town Meeting due to the abbreviated Spring Town Meeting. The meeting minutes from the March 5, 2020 minutes were provided to the Committee.

Mr. Connolly summarized Article 19 as a resolution for Town Meeting to consider exploring an alternative technique for elections in Natick for ranked-choice voting that will improve the voting procedure that we have now. If approved, this resolution will research the opportunity and come back with information to help make a decision on the merits of changing to ranked voting. Mr. Connolly admitted that there is an initiative being put before voters on the November 2020 election ballot on ranked-choice voting, but did not offer details. Mr. Connolly suggested that ranked-choice voting in a preliminary election might reduce the number of candidates running for positions In local elections, eliminating confusion.

## **Questions from the Committee**

A member noted that the chief election officer in Natick is the Town Clerk and this could not only complicate the counting, but also the design and construction of the ballots and asked Mr. Connolly whether he had spoken with the Town Clerk. Mr. Connolly said he looked to set up a meeting with the Town Clerk following the presentation at the Finance Committee in the spring, but then COVID shut down the town offices before they could meet. Since then, the Town Clerk has been very busy with virtual Town Meeting and preparing for two elections.

A member said Mr. Connolly referenced Cambridge, MA as an example of a town that employs ranked-choice voting and asked whether Mr. Connolly had contacted their election officer to determine what the impact of ranked-choice voting is on their office. Mr. Connolly had not, but noted that the intent was to start an investigation into the issues related to ranked-choice voting if Town Meeting indicates an interest in doing so.

The Finance Committee secretary stated that the ranked-choice voting question, according to the Ballotpedia web site is "Question 2 would enact ranked-choice voting for primary and general elections for state executive officials, state legislators, federal congressional representatives and certain county offices."

#### **Comments from the Public**

Mr. Frank Foss asked when the last time Natick had a preliminary election. (No one could remember a recent occasion). The chair said this came up in our prior discussion and we concluded that there were very few occurrences and not very many in the past 15 years.

Mr. Josh Ostroff noted that he likes the idea of ranked-choice voting for some of the reasons the proponent states, but it would require different voting machines. If the ballot question in November passes, cities and towns would have to acquire new machines, so the cost of implementing this change would need to be investigated were this ballot question approved.

The Finance Committee voted to refer Article 19 to the sponsor and the Town Clerk, 9-0-0.

#### Debate

A member noted that this is a solution in search of a problem - we don't have an overwhelming number of candidates running for local office and are barely able to fill many positions, though we have great volunteers in this town. I would like to see what the result of the ballot question in two months is – that will provide a barometer for whether people are interested in this or not. Finally, this would require a complete changeover of not only the hardware, but the software to run all elections. Given, the economic conditions and the need for greater voting machine security, I don't see the pressing need for this right now.

Another member agreed that there's no pressing issue and recommended using the November Natick vote on question 2 to inform us of the community interest for ranked choice voting and take it from there.

A member noted that the Article might be relevant in a couple of the precincts for Town Meeting members where there are more candidates than positions. We may see an increase in the number of candidates seeking offices in local elections.

A member stated that the real problem is the lack of contested elections in Natick. She noted that she doesn't know if ranked-choice voting might inspire more people to run for election and this might be something that a study committee investigating this issue might look at.

Another member said she looked into some of the pros and cons ranked choice voting. She is concerned about the need to apply this at the local level vs. at the state level. At the local level, we have multiple people who are running for multiple positions and multiple people running for a single position. If we do study this, we need to question what unintended consequences might be.

# Motion as provided by the Sponsor (requires a Majority vote)

Move that the Town vote to approve the following resolution:

WHEREAS The Town of Natick, in accordance with its Charter, Chapter 3, Section 3-1, holds a preliminary election before the regular Town election, only when that action is necessary, in order to limit the number of persons seeking election to a particular Town office to a number equal to twice the number to be elected; and

WHEREAS The reality of the situation in Natick today is that when candidates for a Town office are considering running for election, if a preliminary election would be triggered thereby, they are discouraged for a number of reasons: (1) Few voters are conscious of a preliminary election taking place; (2) Some voters say that the "extra" candidates should have withdrawn because of the cost to the Town for the preliminary election; (3) Candidates find it very hard to get voters to listen to their campaign message and ideas in January and February; (4) Turnout for preliminary elections in recent years has been very poor; and

WHEREAS The elimination of preliminary elections in Natick without any other change is an overly simplistic solution; and

WHEREAS The method of ranked-choice voting for the Town election may be an alternative solution that handles a range of situations from one person to be elected to many persons to be elected to an office and where there may be few candidates or many candidates; and

WHEREAS There are various ways to implement ranked-choice voting, which need to be investigated; and

WHEREAS The goal is that all candidates elected have received votes from a majority of those voting for that office, whether that is achieved using first choice votes only or when subsequent choice votes are incorporated into the calculations in turn; and

WHEREAS There are changes to the Charter to be considered; and

WHEREAS There are changes to the ballot and the election software that need to be understood;

THEREFORE RESOLVED That the Town, by vote of Town Meeting, supports continuing efforts that can lead to implementation of ranked-choice voting at Town elections as a method that promotes majority support for winning candidates by the voters without the use of preliminary elections; and

RESOLVED That the Town requests the Town Clerk to serve as liaison with group(s) working on the various efforts described in this resolution.

~~ END OF ARTICLE ~~

#### **ARTICLE 20**

# Amend Zoning By-Law to Create East Central Street Overlay District (Town Moderator on behalf of Julian Munnich et al)

#### ARTICLE LANGUAGE

"To see what action(s) the town will take to amend the Zoning By Law to create an East Central Street Overlay District (ECSOD) and to designate all, some or portions of 45 East Central Street (also identified as real estate tax parcel Lot 180 on Map 44 of the Town Assessor), 4 and/or 6 Lincoln Street (also identified as real estate tax parcels or Lots 181 and 182 on Map 44 of the Town Assessor) and/or 5 Wilson Street (also identified as real estate tax parcel or Lot 195 on Map 44 of the Town Assessor) as an ECSOD District including but not limited to:

- 1) Specifying the purpose and objective of such ECSOD
- 2) Creating new or modifying existing definitions for this purpose whether within an ECSOD section of or elsewhere in the zoning bylaw;
- 3) Specifying allowed uses in such ECSOD and the extent of such uses;
- 4) Setting any and all dimensional and intensity regulations for this ECSOD including without limitation:

building height including "sky plane" or stepped back height restrictions, b) any and all setbacks, c) lot frontage, d) lot depth, e) number of residential units, f) type and size of units, g) affordability requirements, h) minimum or maximum or other parking requirements, i) open space, j) lot coverage, k) building coverage(s), 1) Floor Area Ratio (FAR), m) Landscape Surface Ratio (LSR), n) lot area, o) amount of commercial use(s), etc.;

- 5) Specifying whether such ECSOD or any or all uses within such ECSOD requires a Special Permit, what the Special Permit and/or Site Plan Review process might consist of or require, and who the Special Permit Granting Authority would be;
- 6) Specifying whether or not and to what extent and on which dimensional or intensity or regulations and under what conditions the Special Permit Granting Authority might waive or modify such regulations;
- 7) Establishing requirements for:
  - a) screening and/or buffering of structures, site improvements, parking and or the site from adjacent and surrounding residences and land uses, b) orientation, location and/or screening of loading docks, dumpsters, service and main entrances, d) which underlying zones may be used in the ECSOD including extent to which requirements of underlying zones will apply unless specifically modified in the ECSOD, e) design and/or design review standards, f) ability or

prohibition to place mechanical, ventilation, or other structures on rooftops, g) any or all activities to be conducted in such a manner that noise, smoke, dust, odor, vibration, waste disposal or other objectionable features are confined to the premises, buildings or structures, h) any and all matters currently included and/or addressed in "Section V - Special Requirements" section of the existing Town of Natick Zoning By Law (whether such matters are i) specifically and/or differently addressed in the ECSOD, ii) modified for the ECSOD within said Section V, or iii) applied to the ECSOD as set forth in said Section V), i) height, elevation and/or orientation of windows and other building features in relation to neighboring properties and/or j) other matters including neighborhood and abutter protections;

- 8) Specifying requirements for the applicability of the Aquifer Protection District to the ECSOD; and/or
- 9) Taking any other action to amend the zoning bylaw consistent with the creation of this ECSOD;

or otherwise act thereon."

## FINANCE COMMITTEE RECOMMENDATION

The Finance Committee took the following action:	RECOMMENDATION:	No Action
	QUANTUM OF VOTE:	11-2-0
	DATE VOTED:	September 17, 2020

## **MOTION** (Requires a Majority Vote)

Move No Action on Article 20

## FINANCE COMMITTEE PUBLIC HEARING AND DISCUSSION

The Finance Committee met to discuss Article 20 at a meeting on September 17, 2020 and voted to recommend No Action by an 11-2-0 vote.

Presenter: Mr. Julian Munnich, sponsor Article 20

Article 20 of addresses the potential redevelopment of the St. Patrick's school property through the creation of a zoning overlay district. The reason for Article 20 is that the adjoining neighborhood and the residents of the entire town deserve a public process for the creation of zoning on this site. They should have timely fully open meetings, access to any and all discussions, negotiations and agreements between the town and private developers on this matter. The ultimate review and permitting of the site should be clear of any predetermined private and prejudicial terms, schemes or outcomes. It also should be freely

responsive to an open meeting hearing process and protect the rights of all parties with standing to have the protection of primary judicial appeal.

Mr. Munnich noted that many signatories of the Article are residents of the neighborhood that immediately abuts the St. Patrick's property. These were the people who were deprived of a public process in the clandestine agreement to enter into contract zoning. With this article, the residents would benefit from the positive public process outlined in state statute and in the town's Zoning Bylaws for the creation of zoning.

The proposed motion utilizes the frequently employed zoning mechanism of an overlay district to enable additional development options beyond those of the underlying district while protecting the property rights that are extended in the underlying district. The proposed technical and procedural aspects are modeled for the high level of community responsiveness on the existing Smart Growth Overlay District (SGOD) that was used for the Natick Paperboard project that was developed in partnership with the Department of Housing and Community Development.

It differs, however, in that the proposed East Central Street Overlay District (ECSOD) does not need to meet all of the requirements of MGL c. 40R, the section under which that Smart Growth Overlay District was created. Natick is not seeking the incentives and one-time payments that were already secured during the development of Natick Paperboard. Mr. Munnich noted that Natick cannot receive any cash incentives from the state on another ECSOD project. The ECSOD is modeled on an existing and successfully used section of the zoning bylaws that was vetted by the Attorney General and comports to the MGL Zoning Act. And the proposed ECSOD is not being proposed under 40R – there is no need for the Department of Housing and Community Development to approve such a zoning overlay district.

Proper development of the site would enable it to benefit the town as a whole by providing new growth and a recurring component of the municipal tax base. It's important to note that the Master Plan maps this location for zoning as a transition district, so this proposal is directly responsive to the Master Plan. Contrary to some assertions, this land is not Master Plan targeted for expansion of the downtown mixed use (DM) district. It is specifically mapped not as downtown mixed use for future use in the Master Plan. The proposed article specifically assures that all of these considerations would be contingent on a true public process, subject to the highest levels of approval, two-thirds of Town Meeting for enacting the overlay and then subsequently, four-fifths of the Planning Board to approve mixed use project projects. Alternative pre-determined development schemes do not assure these considerations.

The three levels of public participation are:

1. The initial discussion, the concept of the zoning is something that comes out of a public process so that in the formation of an article in bringing it Town Meeting, it's not just a question of that something has been publicly displayed, but that it actively is with purpose takes feedback and is changeable up to the point of it being created in the first place

- 2. The permitting stage. Natick has had examples of how 40B projects go as far as public hearings. These are not the public hearings held in front of the Zoning Board of Appeals or the Planning Board. The residents who attended the 40B hearings for the Cloverleaf project were told these issues had already been decided and public inputs were not considered.
- 3. Primary Judicial Review. If someone with standing disagrees with a decision that a Planning Board makes, and wishes to appeal, they have access to Massachusetts Land Court. The Land Court hears the facts pertinent to the case and examines the basis for the decision. On the other hand, with a 40B project, there is no avenue for persons of standing to appeal. The appeal process is immediately directed to the Housing Appeals Board, which is a non-judicial review body. In the past, Natick has had the unfortunate experience of having attorneys present before the Housing Appeals Board explain that a decision they were rendering was contrary to other components of MBL and the Housing Appeals Board, told them that they don't comport with MGL.

The proposed the ECSOD would be executed through the normal administrative and permitting functions of the Planning Board and Community & Economic Development department. With the passage of this article, this project would be treated the same way that the Planning Board does for any permitting process, including public review with notice to abutters and a robust public process. The owners of the affected property were connected and presented with the draft of Article 20 as well as schematic illustrated development options. These were reviewed in March during an in-person meeting with the owners, town staff and other interested parties. As recently as earlier today, there was communication with counsel for the property owners, and counsel repeated that they have no inherent objection to this approach and would look at it closely with their engineers and planning folks. They had thought that there was a single path for dealing with this but they recognize that there is a second option.

The current site is blight on the neighborhood and the town. It's clear that this site presents intractable challenges for development under current zoning. The Master Plan envisions transition zoning for this locus and the town deserves a public and transparent process complete with the safeguards and backstops that conventional zoning overlays guarantee. The property owners negotiated outside of a public process and that results in a development project that is not subject to the protections and recourse that standard zoning affords all parties. Further, it's entirely based on an extension of the DM District that was not envisioned in the Master Plan.

# FINANCE COMMITTEE QUESTIONS

The Finance Committee Chair noted how other town committees have voted on Article 20

- The Planning Board had no recommendation their vote for Favorable Action was 2-2-1
- The Economic Development Committee voted not to support Article 20

A member said one of the goals stated in the Master Plan was "to enhance the gateways into Natick Center and the Town through programs to improve or redevelop properties around Natick Center, and at key gateways into the Town (e.g., Route 135 near both the east and west Town boundaries and around Exit 13 on the Mass Pike). Further, in the implementation section the Master Plan states "there also are several locations where gateways into Natick Center could serve as transition zones from the adjacent RG residential neighborhoods. It is recommended that a "Transitional Mixed Use" Zone be considered that allows uses similar to the DM zone, but with lower densities compatible with adjacent residential development. This new district should be considered for the south side of Central Street from Lincoln Street to Union Street (currently zoned RG) and the north side of Middlesex Avenue from Spring Street to Washington Avenue. The zone is designated as DM-Transition on the Proposed Zoning Changes Diagram on page 3.37." Mr. Munnich confirmed that St. Patrick's was within the area specified in the Master Plan.

A member asked whether support of Article 20 precludes support of Article 1. Mr. Munnich said the two Articles can exist concurrently. Article 20 creates an overlay district that can be placed on the underlying zoning of the district where the overlay is placed. Mr. Munnich cautioned that, in his opinion, the danger in approving both is that it leaves the choice to a developer to choose which option benefits them most for development as opposed to the choice being made by the town.

A member requested a map of the proposed overlay district. Mr. Munnich showed a rough visualization of the property. Mr. Munnich noted that the wording of the overlay district proposal would allow commercial activity in proximity to East Central Street and there are setbacks for commercial activity from adjoining residential properties that force all commercial activity up to the front of the property and townhouses or other housing would be close to the neighboring residents. Mr. Munnich said this rough map was created for discussions with the Stonegate, the property owners so they would understand the implications of the setbacks and where things might potentially be located on the site.

A member asked whether this depiction means instead of townhouses there might be something else. Mr. Munnich said the overlay district would still have the ability to build residences on the properties since the underlying zoning is Residential General (RG). Preliminary plans that were presented concerned the neighborhood that there would be a lot of residential building that extended deep into the neighborhood whereas this shows that there is a layout where the traffic pattern can occur tight to the building and in close proximity to East Central Street. The townhouses in the back area are one way of creating a buffer to the neighborhood. That can be done with normal duplexes and can even be done with single houses. Also, the front component does not have to be a mixed use building, it could be a single-use building, as allowed under the under the proposed overlay district, but commercial is limited as to a percentage of the square footage of the net usable land.

A member asked whether the town is in "safe harbor" status currently with respect to affordable housing and was told that it is in safe harbor right now.

A member asked for a summary of the development agreement and who's reached this agreement. Mr. Munnich said the Select Board conducted negotiations and, in Executive Session, agreed with the property owner under the general title of "friendly 40B" a development agreement. Mr. Munnich contends that the proponents of this prospective project envisioned that it could only be accomplished by taking the DM district and placing it someplace where the Master Plan never intended for it to go. Mr. Munnich contends that only one solution is being proposed. The negotiated agreement seems to be a "friendly 40B" but with the addition of re-zoning that creates as-of-right abilities on the site that would not be binding to subsequent property owners if a change in ownership were to occur. Article 20 enables a full public process all the way through the appellate process, if necessary.

A member noted that there have been a number of references to the Master Plan and asked whether creation of that Master Plan was a town-wide process. Mr. Munnich said it was a multi-year, town-wide process, with strong participation from all precincts including this neighborhood, which provided input to the Master Plan. Mr. Munnich said this neighborhood was among the most vocal for the protection of the nature of neighborhoods, especially neighborhoods under development pressure. The member noted that the Master Plan proposes a zone called DM transition and asked the sponsor where the location of the DM transition specified in the Master Plan is. Mr. Munnich said that it includes the front portion of 45 East Central Street.

A member noted that one of the most telling pieces of information is hearing from the neighbor whose property directly adjoins this property say this discussion has been going on for at least five years, wants this resolved and supports Article 1, not Article 20. The member noted that the abutters and neighbors did not like previous proposals and that was underscored at a prior Town Meeting. The proponent of Article 20 said that the lawyer for the neighbors said that they support either Article 1 or Article 20 - that is not an endorsement saying they have a preference for either article – it only means the lawyer did not see a legal issue with either article. It's most likely that the neighbors are looking for a solution to develop this property and remove this blighted property from the neighborhood and do it as soon as possible, having waited five years. The fact that the closest abutter to this property, arguably the person most affected by this proposed project enthusiastically supports of Article 1 leads me to lean towards that option.

A member asked specifically how much input the ZBA would have from other boards and committees who can be advocates on behalf of the abutters and neighbors and was told that many boards can weigh in on this as a collaborative effort. The member saw Article 1 as affecting one property only versus the overlay district affecting several properties.

A member said they didn't see the benefit of adding an additional layer of complexity to an already lengthy process. The member commended the Stonegate Group and the Select Board for navigating this through over a long period of time, continuing to work at it and finding a solution. The member also noted that although this area is zoned residential, it really has not been residential because there has been a large institutional building there for years so it's not like we're tearing down several single family

homes and replacing them with a towering building as the proponent of Article 20 seems to think will happen.

Several members said Article 20 and Article 1 are not mutually exclusive. Article 20 adds an overlay layer, but it also adds flexibility. Under Article 1, the developer can do whatever they want. Article 20 is not an additional layer of complexity, it is an alternative path.

A member advocated for pushing the project ahead faster to eliminate the safety risk and provide a good answer to the neighbors. Several members were concerned that Article 20 may end up pausing progress and hold up this project longer than the residents and the community deserve.

A member said, once the project is built, whether under Article 20 or Article 1, it's going to be an extension of downtown Natick and slowing down the expansion of Natick Center as put forth in the Master Plan is not appealing.

A member said their understanding is that an overlay district does not modify the underlying zoning and participation in this overlay would be optional and the underlying rights and privileges still exist if they don't want to participate in it.

A member noted that the arguments made concerning lack of public participation process in the genesis of the development agreement were answered by some of the residents of the neighborhood.

# **Motion Provided by Sponsor (requires 2/3 vote)**

## **ARTICLE 20**

#### **MOTION**

Moved that the Town of Natick Zoning Bylaws be amended by inserting a new Section III-A.6 D

# D- EAST CENTRAL STREET OVERLAY DISTRICT (ECSOD District)

## 1. PURPOSE

It is the purpose of the ECSOD to encourage smart growth and increased housing production in the Town of Natick by enabling transition between areas of different density and use. Smart growth is a principle of land development that emphasizes mixing land uses, increases the availability of affordable housing by creating a range of housing opportunities in neighborhoods, takes advantage of compact design, fosters distinctive and attractive communities, preserves open space, farmland, natural beauty and critical environmental areas, strengthens existing communities, provides a variety of transportation choices, makes development decisions predictable, fair and cost effective and encourages community and stakeholder collaboration in development decisions.

#### 2. **DEFINITIONS**

For purposes of this Section, the following definitions shall apply. All capitalized terms shall be defined in accordance with the definitions established under the Enabling Laws or Section 2.0, or as set forth in the Plan Approval Authority (PAA) Regulations. To the extent that there is any conflict between the definitions set forth in Section 2.0 or the PAA Regulations and the Enabling Laws, the terms of the Enabling Laws shall govern.

**Administering Agency** – A qualified housing entity will be designated by the PAA pursuant to Section 6.2, to review and implement the Affordability requirements affecting Projects under Section 6.0.

**Affordable Homeownership Unit** - an Affordable Housing unit required to be sold to an Eligible Household.

Affordable Housing - housing that is affordable to and occupied by Eligible Households.

**Affordable Housing Restriction** - a deed restriction of Affordable Housing meeting statutory requirements in G.L. Chapter 184, Section 31 and the requirements of Section 6.5 of this Bylaw.

**Affordable Rental Unit** - an Affordable Housing unit required to be rented to an Eligible Household.

**Applicant** – the individual or entity that submits a Project for Plan Approval.

**As-of-right** - a use allowed under Section 5.0 without recourse to a special permit, variance, zoning amendment, or other form of zoning relief. A Project that requires Plan Approval by the PAA pursuant to Sections 9.0 through 13.0 shall be considered an as-of-right Project.

**Department or DHCD** - the Massachusetts Department of Housing and Community Development.

**ECSOD District** – the Smart Growth Overlay District established in accordance with this Section.

**Eligible Household** - an individual or household whose annual income is less than 80 percent of the area-wide median income as determined by the United States Department of Housing and Urban Development (HUD), adjusted for household size, with income computed using HUD's rules for attribution of income to assets.

**Enabling Laws** - G.L. Chapter 40R and 760 CMR 59.00; G.L. Chapter 40B, §§ 20-23 and 760 CMR 56.00.

**PAA Regulations** – the rules and regulations of the PAA adopted pursuant to Section 9.3.

**Plan Approval** - standards and procedures which certain categories of Projects in the ECSOD District must meet pursuant to Sections 9.0 through 13.0 and the Enabling Laws.

**Plan Approval Authority (PAA)** - The local approval authority is the Natick Planning Board which is authorized under Section 9.2 to conduct the Plan Approval process for purposes of reviewing Project applications and issuing Plan Approval decisions within the ECSOD District.

**Project** - a Residential Project undertaken within the ECSOD District in accordance with the requirements of this Section.

**Residential Project** - a Project that consists solely of residential, parking, and accessory uses, as further defined in Section 5.1.

**Zoning Bylaw** - the Zoning Bylaw of the Town of Natick.

#### 3. OVERLAY DISTRICT

3.1 <u>Establishment.</u> The Smart Growth Overlay District, hereinafter referred to as the "ECSOD District," is an overlay district having a land area of approximately 5.1 acres in size that is superimposed over the underlying zoning district (s) and is shown on Assessors Map 44 as lots 180, 181, 182, and 195.

### 4. APPLICABILITY OF ECSOD DISTRICT

- 4.1 Applicability of ECSOD District. An applicant may seek development of a Project located within the ECSOD District in accordance with the provisions of the Enabling Laws and this Section, including a request for Plan Approval by the PAA. In such case, notwithstanding anything to the contrary in the Zoning Bylaw, such application shall not be subject to any other provisions of the Zoning Bylaw, including limitations upon the issuance of building permits for residential uses related to a rate of development or phased growth limitation or to a local moratorium on the issuance of such permits, or to other building permit or dwelling unit limitations.
- 4.2 <u>Underlying Zoning</u>. The ECSOD District is an overlay district superimposed on all underlying zoning districts. The regulations for use, dimension, and all other provisions of the Zoning Bylaw governing the underlying zoning district(s) shall remain in full force, except for those Projects undergoing development pursuant to this Section. Within the boundaries of the ECSOD District, a developer may elect either to develop a Project in accordance with the requirements of the Smart Growth Zoning, or to develop a project in accordance with requirements of the regulations for use, dimension, and all other provisions of the Zoning Bylaw governing the underlying zoning district(s).
- 4.3 <u>Administration, Enforcement, and Appeals</u>. The provisions of this Section shall be administered by the Building Commissioner, except as otherwise provided herein. Any legal appeal arising out of a Plan Approval decision by the PAA under Sections 9 through 13 shall be governed by the applicable provisions of G. L. Chapter 40R. Any other request for enforcement or appeal arising under this Section shall be governed by the applicable provisions of G. L. Chapter 40A.

## 5. PERMITTED USES

The following uses are permitted as-of-right for Projects within the ECSOD District.

- 5.1 <u>Residential Projects</u>. A Residential Project within the ECSOD District may include:
- a) Single-family use, 2 and 3 family use, Multi-family Residential Use
- b) Parking accessory to any of the above permitted uses, including surface, garage-under, and structured parking (e.g., parking garages); and
- c) Accessory uses customarily incidental to any of the above permitted uses.

The following uses are allowed within the ECSOD District by Special Permit issued by the PAA.

5.2 Commercial Projects. A Commercial Project within the ECSOD may include:

- a) 22. Retail stores
- b) 27. Business or professional office or agency, bank or other financial institution
- c) 36. Restaurant, tea rooms, lunchrooms or other places serving permitted beverages inside a building

#### 6. HOUSING AND HOUSING AFFORDABILITY

Projects shall, as a minimum, comply with Section V-J Inclusionary Affordable Housing Requirements.

- 6.1 <u>Number of Affordable Housing Units</u>. For all Projects not less than twenty percent (20%) of housing units constructed shall be Affordable Housing.
- 6.2 Administering Agency. A qualified housing entity will be selected to be the administering agency by the PAA (the "designating official"). In a case where the Administering Agency cannot adequately carry out its administrative duties, upon certification of this fact by the designating official or by DHCD such duties shall devolve to and thereafter be administered by a qualified housing entity designated by the designating official or, in the absence of such timely designation, by an entity designated by the DHCD. In any event, such Administering Agency shall ensure the following, both prior to issuance of a Building Permit for a Project within the ECSOD District, and on a continuing basis thereafter, as the case may be:
- 1. prices of Affordable Homeownership Units are properly computed; rental amounts of Affordable Rental Units are properly computed;
- 2. income eligibility of households applying for Affordable Housing is properly and reliably determined;
- 3. the housing marketing and resident selection plan conform to all requirements and are properly administered;
- 4. sales and rentals are made to Eligible Households chosen in accordance with the housing marketing and resident selection plan with appropriate unit size for each household being properly determined and proper preference being given; and
- 5. Affordable Housing Restrictions meeting the requirements of this section are recorded with the proper registry of deeds.
- 6.3 <u>Affordability Information Submission Requirements.</u> As part of any application for Plan Approval for a Project within the ECSOD District submitted under Sections 9.0 through 13.0, the Applicant must submit the following documents to the PAA and the Administering Agency:

- a narrative document and marketing plan that establishes that the proposed development
  of housing is appropriate for diverse populations, including households with children, other
  households, individuals, households including individuals with disabilities, and the elderly;
- 2) evidence that the Project complies with the cost and eligibility requirements of Section 6.4:
- 3) Project plans that demonstrate compliance with the requirements of this Section 6.3 and Section 6.5; and
- 4) a form of Affordable Housing Restriction that satisfies the requirements of Section 6.6.

These documents in combination, to be submitted with an application for Plan Approval, shall include details about construction related to the provision, within the development, of units that are accessible to the disabled.

- 6.4 <u>Cost and Eligibility Requirements</u>. Affordable Housing shall comply with the following requirements:
- 1. Affordable Housing required to be offered for rent or sale shall be rented or sold to and occupied only by Eligible Households.
- 2. For an Affordable Rental Unit, the monthly rent payment, including utilities and parking, shall not exceed 30 percent of the maximum monthly income permissible for an Eligible Household, assuming a family size equal to the number of bedrooms in the unit plus one, unless other affordable program rent limits approved by the DHCD shall apply.
- 3. For an Affordable Homeownership Unit the monthly housing payment, including mortgage principal and interest, private mortgage insurance, property taxes, condominium and/or homeowner's association fees, insurance, and parking, shall not exceed 30 percent of the maximum monthly income permissible for an Eligible Household, assuming a family size equal to the number of bedrooms in the unit plus one.

Prior to the granting of any Plan Approval for a Project, the Applicant must demonstrate, to the satisfaction of the Administering Agency, that the method by which such affordable rents or affordable purchase prices are computed shall be consistent with state or federal guidelines for affordability applicable to the Town of Natick.

6.5 <u>Design and Construction</u>. Units of Affordable Housing shall be finished housing units. Units of Affordable Housing shall be dispersed throughout the Project of which they are part and be comparable in initial construction quality and exterior design to the other housing units in the Project. The total number of bedrooms in the Affordable Housing shall, insofar as practicable, be proportionate to the total number of bedrooms in all units in the Project of which the Affordable Housing is part.

- 6.6 <u>Affordable Housing Restriction.</u> Each Project shall be subject to an Affordable Housing Restriction which is recorded with the appropriate registry of deeds or district registry of the Land Court and which contains the following:
- 1. specification of the term of the affordable housing restriction which shall be no less than thirty years;
- 2. the name and address of the Administering Agency with a designation of its power to monitor and enforce the affordable housing restriction;
- a description of the Affordable Homeownership Unit, if any, by address and number of bedrooms; and a description of the overall quantity and number of bedrooms and number of bedroom types of Affordable Rental Units in a Project or portion of a Project which are rental. Such restriction shall apply individually to the specifically identified Affordable Homeownership Unit and shall apply to a percentage of rental units of a rental Project or the rental portion of a Project without specific unit identification.
- 4. reference to a housing marketing and resident selection plan, to which the Affordable Housing is subject, and which includes an affirmative fair housing marketing program, including public notice and a fair resident selection process. The housing marketing and selection plan may provide for preferences in resident selection to the extent consistent with applicable law; the plan shall designate the household size appropriate for a unit with respect to bedroom size and provide that the preference for such Unit shall be given to a household of the appropriate size;
- 5. a requirement that buyers or tenants will be selected at the initial sale or initial rental and upon all subsequent sales and rentals from a list of Eligible Households compiled in accordance with the housing marketing and selection plan;
- 6. reference to the formula pursuant to which rent of a rental unit or the maximum resale price of a homeownership will be set;
- 7. designation of the priority of the Affordable Housing Restriction over other mortgages and restrictions, provided that a first mortgage of a Homeownership Housing Unit to a commercial lender in an amount less than maximum resale price may have priority over the Affordable Housing Restriction if required by then current practice of commercial mortgage lenders;
- 8. a requirement that only an Eligible Household may reside in Affordable Housing and that notice of any lease of any Affordable Rental Unit shall be given to the Administering Agency;
- 9. provision for effective monitoring and enforcement of the terms and provisions of the affordable housing restriction by the Administering Agency;
- 10. provision that the restriction on an Affordable Homeownership Unit shall run in favor of the Administering Agency and the Town of Natick, in a form approved by municipal counsel, and shall limit initial sale and re-sale to and occupancy by an Eligible Household;

- 11. provision that the restriction on Affordable Rental Units in a rental Project or rental portion of a Project shall run with the rental Project or rental portion of a Project and shall run in favor of the Administering Agency and the Town of Natick, in a form approved by municipal counsel, and shall limit rental and occupancy to an Eligible Household;
- 12. provision that the owner[s] or manager[s] of Affordable Rental Unit[s] shall file an annual report to the Administering Agency, in a form specified by that agency certifying compliance with the Affordability provisions of this Bylaw and containing such other information as may be reasonably requested in order to ensure affordability; and
- 13. a requirement that residents in Affordable Housing provide such information as the Administering Agency may reasonably request in order to ensure affordability.
- 6.7 Costs of Housing Marketing and Selection Plan. The housing marketing and selection plan may make provision for payment by the Project applicant of reasonable costs to the Administering Agency to develop, advertise, and maintain the list of Eligible Households and to monitor and enforce compliance with affordability requirements. Such payment shall not exceed one-half (1/2%) percent of the amount of rents of Affordable Rental Units (payable annually) or one (1%) percent of the sale or resale prices of Affordable Homeownership Units (payable upon each such sale or resale), as applicable.
- 6.8 Age Restrictions. Nothing in this Section shall permit the imposition of restrictions on age upon all Projects throughout the entire ECSOD District. However, the Administering Agency may, in its review of a submission under Section 6.3, allow a specific Project within the ECSOD District designated exclusively for the elderly, persons with disabilities, or for assisted living, provided that any such Project shall be in compliance with all applicable fair housing laws and not less than twenty-five percent (25%) of the housing units in such a restricted Project shall be restricted as Affordable units. Any Project which includes age-restricted residential units shall comply with applicable federal, state and local fair housing laws and regulations.
- 6.9 <u>Phasing</u>. For any Project that is approved and developed in phases in accordance with Section 9.4, the proportion of Affordable Housing Units (and the proportion of Existing Zoned Units to Bonus Units as defined in 760 CMR 59.04 1(h)) shall be consistent across all phases.
- 6.10 <u>No Waiver.</u> Notwithstanding anything to the contrary herein, the Affordability provisions in this Section 6.0 shall not be waived.

## 7. SITE PLAN DIMENSIONAL AND DENSITY REQUIREMENTS

- 7.1 <u>List of Requirements</u>. Notwithstanding anything to the contrary in this Zoning Bylaw, the density and dimensional requirements applicable in the ECSOD District are as follows:
- a) Pursuant to the requirements of this Section, an Applicant may construct in the ECSOD District any combination of single-family residential units, 2-3 family residential units, and multi-

family residential units. A "Multi-family residential unit" is any structure containing four or more residential units.

b) Density: The maximum number of dwelling units allowed in the ECSOD District shall be, in aggregate, 30 units per acre. For mixed development projects the maximum number of units by type area shall be:

i) Single-family residential units: 8 units per acre.

ii) 2-3 family residential units: 12 units per acre.

iii) Multi-family residential units: 50 units per acre.

## c) INTENSITY REGULATIONS

Continuous frontage: 200 feet
Minimum depth: 100 feet
Minimum front-yard setback: 25 feet
Minimum side-yard setback: 15 feet
Minimum rear-yard setback: 15 feet

Minimum rear-yard setback for

commercial and multi-family units: 200 feet from ECSOD line

Maximum building coverage: 40%
Sky Exposure Plane from abutting parcels: 1:1
Maximum building height: 45 feet
Minimum open space: 25%

7.2 Commercial Projects: Notwithstanding anything to the contrary in this Zoning Bylaw Commercial Projects shall not exceed 20% of the floor area of the building and shall be setback a minimum of 75 feet from any abutting non-ECSOD residential property.

# 8. PARKING REQUIREMENTS

The parking requirements applicable for Projects within the ECSOD District are as follows.

8.1 <u>Number of parking spaces</u>. The minimum numbers of off-street parking spaces shall be as provided by use in Section V-D 3, either in surface parking, within garages or other structures.

The PAA may allow for additional visitor parking spaces beyond the requirements if deemed appropriate given the design, layout and density of the proposed residential or other development. The PAA may allow for a decrease in the required parking, not to exceed 10%, as provided in Sections 8.2 and 8.3 below if sufficient information is submitted which appropriately addresses the need for overall parking upon the project site. The PAA is not obligated to make such reduction in the absence of overwhelming evidence necessary to satisfy parking demand created by the subject project.

8.2 <u>Shared Parking</u>. Notwithstanding anything to the contrary herein, the use of shared parking to fulfill parking demands noted above that occur at different times of day is strongly encouraged.

Minimum parking requirements above may be reduced by the PAA through the Plan Approval process if the applicant can demonstrate that shared spaces will meet parking demands by using accepted methodologies (e.g. the Urban Land Institute Shared Parking Report, ITE Shared Parking Guidelines, or other approved studies).

- 8.3 Reduction in parking requirements. Notwithstanding anything to the contrary herein, any minimum required amount of parking may be reduced by the PAA through the Plan Approval process if the applicant can demonstrate that the lesser amount of parking will not cause excessive congestion, negative impact surrounding areas, endanger public safety, or that lesser amount of parking will provide positive environmental or other benefits, taking into consideration:
- a) the availability of surplus off street parking in the vicinity of the use being served and/or the proximity of a bus stop or transit station;
- b) the availability of public or commercial parking facilities m the vicinity of the use being served;
- c) shared use of off street parking spaces serving other uses having peak user demands at different times;
- d) age or other occupancy restrictions which are likely to result in a lower level of auto usage;
- e) impact of the parking requirement on the physical environment of the affected lot or the adjacent lots including reduction in green space, destruction of significant existing trees and other vegetation, destruction of existing dwelling units, or loss of pedestrian amenities along public ways; and
- f) such other factors as may be considered by the PAA.
- 8.4 <u>Location of Parking</u>. Any residential surface parking lot shall, to the maximum extent feasible, be located at the rear or side of a building, relative to any principal street, public open space, or pedestrian way. Commercial parking shall be located in such manner as to match the specific intended use it is to support, with short-term parking to be readily visible and accessible, to dissuade traffic and parking on abutting streets and neighborhoods.

### 9. PLAN APPROVAL OF PROJECTS: GENERAL PROVISIONS

9.1 <u>Plan Approval</u>. An Application for Plan Approval shall be reviewed by the PAA for consistency with the purpose and intent of Sections 9.0 through 13.0, and shall be subject to site plan review and approval by the PAA. Such Plan Approval process shall be construed as an asof-right review and approval process as required by and in accordance with the Enabling Laws, subject to site plan review. The following categories of Projects shall be subject to the Plan Approval process:

- a) Any Residential Project
- b) Any Project seeking a waiver.
- 9.2 <u>Plan Approval Authority (PAA).</u> The Natick Planning Board, consistent with G.L. Chapter 40R and 760 CMR 59.00, shall be the Plan Approval Authority (the "PAA"), and it is authorized to conduct the Plan Approval process for purposes of reviewing Project applications and issuing Plan Approval decisions within the ECSOD District
- 9.3 <u>PAA Regulations</u>. The Plan Approval Authority may adopt administrative rules and regulations relative to Plan Approval. Such rules and regulations must be approved by the Department of Housing and Community Development.
- 9.4 <u>Project Phasing.</u> An Applicant may propose, in a Plan Approval submission, that a Project be developed in phases, provided that the submission shows the full buildout of the Project and all associated impacts as of the completion of the final phase, and subject to the approval of the PAA. Any phased project shall comply with the provisions of Section 6.9.

#### 10. PLAN APPROVAL PROCEDURES

- 10.1 <u>Preapplication.</u> Prior to the submittal of a Plan Approval submission, a "Concept Site Plan" may be submitted to help guide the development of the definitive submission for Project buildout and individual elements thereof. Such Concept Site Plan should reflect the following:
- 1. Overall building envelope areas;
- 2. Open space and natural resource areas; and
- 3. General site improvements, groupings of buildings, and proposed land uses.

The Concept Site Plan is intended to be used as a tool for both the applicant and the PAA to ensure that the proposed Project design will be consistent with the Design Standards, site plan provisions and other requirements of the ECSOD District.

10.2 Required Submittals. An application for Plan Approval shall be submitted to the PAA on the form provided by the PAA, with the application fee(s) which are set forth in the PAA Regulations (9.3) above. The application shall be accompanied by a formal site plan and documents as may be required and set forth in the PAA Regulations. For any Project that is subject to the Affordability requirements of Section 6.0, the application shall be accompanied by all materials required under Section 6.3. All site plans shall be prepared by a certified architect, landscape architect, and/or a civil engineer registered in the Commonwealth of Massachusetts. All landscape plans shall be prepared by a certified landscape architect registered in the Commonwealth of Massachusetts. All building elevations shall be prepared by a certified architect registered in the Commonwealth of Massachusetts. All plans shall be signed and stamped, and drawings prepared at a scale of [one inch equals forty feet (1"=40') or larger], or at a scale as approved in advance by the PAA.

- 10.3 <u>Filing.</u> An applicant for Plan Approval shall file the required number of copies of the application form and the other required submittals as set forth in the PAA Regulations with the Town Clerk and a copy of the application including the date of filing certified by the Town Clerk shall be filed forthwith with the PAA.
- 10.4 <u>Circulation to Other Boards</u>. Upon receipt of the Application, the PAA shall immediately provide a copy of the application materials to the Board of Selectmen, Board of Appeals, Board of Health, Community Development Department, Conservation Commission, Fire Department, Police Department, Building Commissioner, Department of Public Works, the Administering Agency, the Design Review Board, and any such board, agency or officer shall provide any written comments within 60 days of its receipt of a copy of the plan and application for approval.
- 10.5 <u>Hearing.</u> The PAA shall hold a public hearing for which notice has been given as provided in Section 11 of G.L. Chapter 40A. The decision of the PAA shall be made, and a written notice of the decision filed with the Town Clerk, within 120 days of the receipt of the application by the Town Clerk. The required time limits for such action may be extended by written agreement between the applicant and the PAA, with a copy of such agreement being filed in the office of the Town Clerk. Failure of the PAA to take action within said 120 days or extended time, if applicable, shall be deemed to be an approval of the Plan Approval application.
- 10.6 <u>Peer Review</u>. The applicant of a ECSOD District project shall be required to pay for reasonable consulting fees to provide peer review of the Plan Approval application, pursuant to G.L. Chapter 40R, Section 11(a). Such fees shall be held by the Town in a separate account and used only for expenses associated with the review of the application by outside consultants, including, but not limited to, attorneys, engineers, urban designers, housing consultants, planners, and others. Any surplus remaining after the completion of such review, including any interest accrued, shall be returned to the applicant forthwith.
- 10.7 <u>Alternative Approval Criteria</u>. The PAA may consider applications which comport with sections 7 and 8 that are qualifying for approval under either:
- 1. M.G.L. c. 40B, §§ 20-23 (760 CMR 56.00)
- 2. M.G.L. c. 40R (760 CMR 59.00)
- 3. Local Action Units

#### 11. PLAN APPROVAL DECISIONS

- 11.1 Plan Approval. Plan Approval shall be granted where the PAA finds that:
- the applicant has submitted the required fees and information as set forth in the PAA Regulations; and

- the Project as described in the application meets all of the requirements and standards set forth in this Section and the PAA Regulations, or a waiver has been granted therefrom; and
- 3. any extraordinary adverse potential impacts of the Project on nearby properties have been adequately mitigated.

For all Projects, compliance with condition (2) above shall include written confirmation by the Administering Agency that all requirements of Section 6.0 have been satisfied. The PAA may attach conditions to the Plan Approval decision that are necessary to ensure substantial compliance with this Section, or to mitigate any extraordinary adverse potential impacts of the Project on nearby properties.

- 11.2 <u>Plan Disapproval</u>. A Plan Approval application may be disapproved only where the PAA finds that:
- 1. the applicant has not submitted the required fees and information as set forth in the Regulations; or
- 2. the Project as described in the application does not meet all of the requirements and standards set forth in this Section and the PAA Regulations, or that a requested waiver therefrom has not been granted; or
- 3. it is not possible to adequately mitigate significant adverse project impacts on nearby properties by means of suitable conditions.
- 11.3 <u>Waivers.</u> Except where expressly prohibited herein, upon the request of the Applicant, the Plan Approval Authority may waive the dimensional and other requirements of this Section 7.1cin the interests of design flexibility and overall project quality, and upon a finding of consistency of such variation with the overall purpose and objectives of the ECSOD District, or if it finds that such waiver will allow the Project to achieve the density, Affordability, mix of uses, and/or physical character allowable under this Section. The PAA is not obligated to render such waivers if it deems the project does not provide sufficient reason or benefit to the community.
- 11.4 <u>Project Phasing.</u> The PAA, as a condition of any Plan Approval, may allow a Project to be phased at the request of the Applicant, or it may require a Project to be phased to mitigate any extraordinary adverse Project impacts on nearby properties. For Projects that are approved and developed in phases, the proportion of Affordable to market rate units shall be consistent across all phases, and the proportion of Existing Zoned Units to Bonus Units (as those terms are defined under 760 CMR 59.00) shall be consistent across all phases.
- 11.5 Form of Decision. The PAA shall issue to the applicant a copy of its decision containing the name and address of the owner, identifying the land affected, and the plans that were the subject of the decision, and certifying that a copy of the decision has been filed with the Town Clerk and that all plans referred to in the decision are on file with the PAA. If twenty (20) days have elapsed after the decision has been filed in the office of the Town Clerk without an appeal having been filed or if such appeal, having been filed, is dismissed or denied, the Town

Clerk shall so certify on a copy of the decision. If a plan is approved by reason of the failure of the PAA to timely act, the Town Clerk shall make such certification on a copy of the application. A copy of the decision or application bearing such certification shall be recorded in the Middlesex County Registry of Deeds or Middlesex County Registry District of the Land Court, as applicable, and indexed in the grantor index under the name of the owner of record or recorded and noted on the owner's certificate of title. The fee for recording or registering shall be paid by the applicant.

11.6 <u>Validity of Decision</u>. A Plan Approval shall remain valid and shall run with the land indefinitely, provided that construction has commenced within two years after the decision is issued, which time shall be extended by the time required to adjudicate any appeal from such approval and which time shall also be extended if the Project proponent is actively pursuing other required permits for the Project or there is other good cause for the failure to commence construction, or as may be provided in a Plan Approval for a multi-phase Project.

#### 12. CHANGE IN PLANS AFTER APPROVAL BY PAA

- 12.1 <u>Minor Change.</u> After Plan Approval, an applicant may apply to make minor changes in a Project involving minor utility or building orientation adjustments, or minor adjustments to parking or other site details that do not affect the overall buildout or building envelope of the site, or provision of open space, number of housing units, or housing need or affordability features. Such minor changes must be submitted to the PAA on redlined prints of the approved plan, reflecting the proposed change, and on application forms provided by the PAA. The PAA may authorize such changes at any regularly scheduled meeting, without the need to hold a public hearing. The PAA shall set forth any decision to approve or deny such minor change by motion and written decision, and provide a copy to the applicant for filing with the Town Clerk.
- 12.2 <u>Major Change.</u> Those changes deemed by the PAA to constitute a major change in a Project because of the nature of the change in relation to the prior approved plan, or because such change cannot be appropriately characterized as a minor change as described above, shall be processed by the PAA as a new application for Plan Approval pursuant to Sections 9.0 -through 13.0.

## 13. SEVERABILITY.

If any provision of this Section is found to be invalid by a court of competent jurisdiction, the remainder of Section shall not be affected but shall remain in full force and effect, to the extent permitted by law. The invalidity of any provision of this Section shall not affect the validity of the remainder of the Town's Zoning Bylaw.

~~ END OF ARTICLE ~~

#### **ARTICLE 21**

# Amend Zoning By-Laws: Downtown Mixed Use Zoning Amendment (Town Moderator on behalf of Julian Munnich et al)

#### ARTICLE LANGUAGE

"To see if the Town will vote to amend Natick Zoning By-Laws with regard to the Downtown Mixed Use zone by:

- A. Replace, eliminate or modify the Downtown Mixed Use ("DMU") specific language in Section V-D Off-Street Parking and Loading Requirements section 3 "Parking Facilities Required by Category of Parking Demand" sub section b "For Multiple Family Dwellings" in order to make the basic parking requirements for Multiple Family Dwellings in DMU in said sub section b to be the same as other districts in the Town;
- B. Modify Section V-D "Off-Street Parking and Loading Requirements" section 5 "Exceptions in the Downtown Mixed Use District" to allow the exception in the first paragraph of said section 5 regarding a 10% reduction to apply to residential uses;
- C. Specify the order of computation for determining required parking spaces when applying the various parking requirements sections pertaining to the DMU and any/all parking exceptions or waivers for the DMU;
- D. Limit the extent of or prohibit the use for multi family dwellings of the parking provision contained the second paragraph of Section V-D 5 "Exceptions in the Downtown Mixed Use District";
- E. Change the second paragraph of said Section V-D 5 "Exceptions in the Downtown Mixed Use District" to require that any such exception be by Special Permit and/or to change the criteria listed in that second paragraph in order to obtain or grant such exception(s);
- F. Establish minimum parking requirements for multi family uses in the DMU notwithstanding any other provision of the Zoning ByLaw;
- G. Provide DMU specific requirements, modifications or exceptions in Sections V-D 15, 16 and 17 and make any such associated requirements, modifications or exceptions subject to the Special Permit approval of the SPGA;
- H. To specify that any mixed use project in the DMU which has a use requiring a special permit shall require a special permit for the entire mixed use project notwithstanding the inclusion in such mixed use project of uses permitted as of right;
- I. To allow restaurants, with or without the service of alcoholic beverages, operating as a business in the DMU, to allow such restaurants to have outside seating and to determine whether any such restaurant uses, including any entertainment, shall be by special permit;
- J. To establish a density or intensity limit(s) for the number of multi-family dwelling units in a project in the DMU;
- K. To change the definition of Dwelling Unit in Section 200 of the Zoning ByLaw i) to be consistent with the International Building Code and/or state building code, ii) to include requirement for sanitation, toileting and/or bathing, and/or iii) to require equipment for cooking and eliminating the reference to other provisions for the same; and/or otherwise act thereon."

#### FINANCE COMMITTEE RECOMMENDATION – MOTION A

	RECOMMENDATION:	Referral to Sponsor, Planning
The Finance Committee took the		Board and Select Board
following action:	QUANTUM OF VOTE:	11-0-0
	DATE VOTED:	September 22, 2020

# **MOTION A** (Requires a Majority Vote)

# Move referral to the Sponsor, Planning Board and Select Board

The Finance Committee met to discuss Article 21 at a meeting on September 22, 2020 and voted to recommend Referral to the Sponsor by an 11-0-0 vote.

Presenter, Mr. Julian Munnich

Article 21 is broken down into four motions. Some of these topics overlap heavily; others lightly with the previous articles. Article 21 was initially drafted for Spring Annual Town Meeting as a reaction to the geographic expansion of the DM zoning that raised many questions among abutters and questions that had previously been raised by other residents and neighborhoods that adjoin DM.

**Motion A** focuses on the definition of dwelling units in Section 200 of the zoning bylaws. This is an example where one can point to a component of our zoning bylaws that is old zoning, with the building code that became in enshrined in our zoning bylaws. Currently, our dwelling unit definition defines what some of us may recall was an apartment with shared bathroom facilities down the hall - it's not what anybody understands to be a dwelling unit in contemporary times. When talking about dwelling units, and this affects, most critically, DM districts, but also other districts in town where multi-family units are now allowed that hadn't been the case previously. For example, it's allowed in the Golden Triangle Area, under the guise of being 62+ housing.

The fundamental difference is the difference between "de minimus" apartment even if it were to be a studio apartment, with contained facilities vs. a tenement house or some other such location where the "de minimus" internal services of cooking and bathroom aren't part of the unit. Mr. Munnich said this change speaks to social equity so that the town cannot pretend that it's providing housing for everyone and creating a "Class B" form of housing and that we understand that when we speak as a community about creating housing for different people that we hold ourselves to that minimum standard.

## **QUESTIONS FROM THE COMMITTEE – MOTION A**

A member asked if the Planning Board or Select Board have reviewed this article. The Finance Committee Chair said that the Planning Board has not considered Article 21 yet and the Select Board is taking no position on Article 21.

A member asked stated that the former definition of dwelling unit allows the definition of a unit within a boarding house and the new one would not and asked how this would impact boarding houses in the zoning bylaws. Mr. Munnich said a boarding house could still exist except for the requirements that rooms have minimum facilities, internal to themselves that meet building code. If, however, the boarding house was to be in here, we have to be very careful that we don't step on the toes of other state agencies. There are multiple facilities or houses in town that have assisted living, not for the elderly, but the Department of Mental Health has assisted living facilities and even though there are multiple residents in those dwellings, they don't count as multiple residences but under zoning are treated as if they were a single dwelling unit as a house with multiple family members.

A member asked, if Article 21A passes, would this require a boarding house to have internal bathroom, kitchen, and sleeping areas. Mr. Munnich said boarding houses are grouped together with tourist home and lodging house in our bylaws, so it infers a temporary nature, not permanent housing. A broad reading of our bylaws is that boarding house are being defined as something more in the category of hotels versus dwelling units that the community reports to the and counts in its census as permanent housing.

A member asked if boarding houses are counted as hotels rather than as dwellings, does that mean they would be subject to special taxes as hotels are. The member expressed concern that this would make Natick unaffordable for people who cannot afford a full dwelling. Mr. Munnich retorted that we don't create the fiction that we are giving people affordable housing when they get something less than the minimum expected standard. There was a new house on South Main Street that was configured in a single-room occupancy situation and that model didn't work. They had difficulty keeping tenants who were constantly moving out. The Natick Affordable Housing Trust expended some of their funds, in conjunction with the Housing Authority, to reconstruct that building so the units would meet the standard that's being defined here.

A member asked whether the dorms at Walnut Hill would be affected by this change of dwelling unit definition. Mr. Munnich said Mass. Building Code goes off on a completely different tangent for dormitories and so forth.

A member asked if there is any existing housing stock in Natick that would be affected by this change. Mr. Munnich said the only facility that is single-room occupancy was the South Main St. home described earlier. The other items are group homes that are under a completely separate licensing and permitting process.

A member asked whether this is just a technical change to align with state regulation. Mr. Munnich said it started as a technical change, but noted that it was important for the town to create a community standard for dwelling units. The question is we being equitable by defining a separate class of housing with an expectation that it is the minimum standard.

## **PUBLIC COMMENTS - MOTION A**

Mr. Stuart Rothman, Property Manager, One South Main Street

Mr. Rothman said One South Main Street was the subject of a fire in 2019 and has been in many hearings before the Planning Board, the Design Review Board (DRB) and the ZBA over the last several months, a total of 21 hearings so far and we are still going forward with hearings in the future. I am here to respond to Article 21 and how those motions relate not only to my project, but from a developer's perspective, which is something I think is important for you to hear. In Article 21 Motion A, I'm not a big fan of single-room occupancy residences (SROs) and the idea of facilities that share bathrooms is not something I would build. But notwithstanding that, the pre-existing SROs are important because there still are several in in a lot of communities, and I'm sure there are still several in Natick.

Many of them are not licensed rooming houses, but are preexisting, non-conforming uses and provide a legitimate source of housing for people who can't afford studio units. A Committee member asked about the Walnut Hill School which has housing on-site where they house faculty as well as students, and those faculty housing units may not be considered dormitories. I would be very concerned about preexisting inventory and at least make the exception for anybody who had pre-existing SROs that share bathrooms. Additionally, the only other thing I was going to recommend is instead of "families", which is in the first sentence, living facilities for one or more family units, I was considering "occupants or inhabitants". Because a two bedroom unit can have roommates, and they're not family, so let's be clear about it.

### FINANCE COMMITTEE RECOMMENDATION - MOTION B

	RECOMMENDATION:	Referral to Sponsor, Planning
The Finance Committee took the		<b>Board and Select Board</b>
following action:	QUANTUM OF VOTE:	11-0-0
	DATE VOTED:	September 22, 2020

# MOTION B (Requires a Majority Vote)

# Move referral to the Sponsor, Planning Board and Select Board

Mr. Munnich said Motion B defines the density of dwelling units that would be allowed in the DM district. There has been a de facto limitation as to the density of the DM district from the transformation of the zoning bylaws, starting in 1960, and that is that these are constrained by parking, by setback, and to some degree the height of the structures. But as we're going to change some of those setback constraints, change the parking requirements, we effectively end up with a district where there would be no density limitation. Much has been mentioned about the hopes and desires talked about in the Master Plan, but the Master Plan is silent as to the density that would be anticipated for DM and the question is what effect would this have on the town as a whole? We have a fee for what development with the

current restraints with parking. Contrary to the talk about how we haven't been able to do much development with housing in DM recently, we have a couple of projects - Washington Street and the former Town Paint, and there is new construction near the Dolphin Restaurant (Adams St.) These things are occurring under our current constraints and the question is how much bigger these projects could be without any parking constraints or setback constraints.

This isn't just a debate over desires and visions – there are practical aspects to this. At what point do we over-burden the budgets and care of the infrastructure of the town. We don't have a study of the town's carrying capacity for water – at what point do we stop being a self-sufficient community as far as water supply? There will be those that say these are far-fetched items, but these are standard items that occur in many master plans, but are not captured in our master plan as to what the desired total build outs of Natick would be.

Some models said the removal of the density requirements from other districts, there would be perhaps 2000 additional units of housing in the DM district. I don't know how that math was arrived at, but in the absence of density restrictions, there is no methodology for computing this and what the true burden would be on the infrastructure. Those advocating for unlimited development of DM do not assess at what point we come up against some of the hard stop limits of the town - school capacity, water capacity, sewer capacity, etc. The Metropolitan Area Planning Council (MAPC) opined that water capacity isn't an issue because Natick could always hook up to the MWRA Quabbin water supply. I don't know if that's a goal that the entirety of the town would want to carry the burden of joining that very expensive water system.

It is a bad concept to think of DM as a single standard across the entirety of the DM zone because we may get it right on some of the streets, but we'll get it wrong on other streets that abut the residential neighborhoods to the south, east, and, to some extent, west. There needs to be multiple standards in downtown mixed use and we should look into splitting the DM district into a central core district and a transition district.

The Finance Committee Chair asked Mr. Munnich whether he was requesting referral from the Finance Committee. Mr. Munnich said the inclination was to seek referral to a Study Committee dealing with the zoning of the DM district under this Article alone However, as there are multiple Articles related to DM zoning, referral to Article 25 seems to be a better target for such referral.

# QUESTIONS FROM THE COMMITTEE - MOTION B

A member asked if there are any buildings that approach or exceed these requirements today. Mr. Munnich said the standard of 40 units per acre isn't exceeded yet. It's in the ballpark of what was being communicated with regard to St. Patrick's but that's still in the prospective area. The development at Natick Mercantile is below the proposed density limits.

A member asked whether there was some language perfection needed for this motion since there is no reference to square feet. Mr. Munnich agreed with this point and would make this change prior to Town Meeting.

A member stated in Motion B, it defines multi-family dwellings (in the DM zone) shall not exceed 40 dwelling units per acre of land area or land area divided by 1089. If one acre is 43,560 square feet and you divide by 1089 that magically equates to exactly 40 dwelling units, so why do you need both 40 dwelling units per acre or land area divided by 1089, since they are identical. Mr. Munnich agreed that they were equivalent and noted that one or the other approaches is sufficient.

A member asked why this change is required and whether there was a project on the horizon that necessitates this change at this time. Mr. Munnich said the recent discussion of the St. Patrick's proposed project. It's a school property that, if it is rezoned to DM, this would be a limitation on that site that would cap the amount if the development that would occur in some way other than Chapter 40B, for instance. Everybody's stating that the intent is to do a friendly 40B, but intent is not a guarantee. So this is an alternative methodology of developing that property if the zoning on that passes.

## **PUBLIC COMMENTS**

Mr. Stuart Rothman, Property Manager, One South Main Street

Motion B is a very interesting motion. And I want to relate it to our development at one South Main St. and how it would affect that development. One South Main has approximately 12,000 square feet of lot area. So if we were to divide the 12,000 square feet of lot area by the ratio that Mr. Munnich has offered 1089 square feet, we would come out with 11 units. However, if you look at the total potential gross floor area allowable under the zoning code, over a commercial ground floor, you would have three floors residential, at approximately 21,000 square foot gross floor area. This would relate to units producing 11 units, the size of which would be between 1600 to 1800 square feet. Is this what we're trying to promote in the downtown? If we are interested in smart growth downtown, we want scalability in the downtown, you cannot build units that large and have an ROI that makes sense and it defeats the purpose of smart growth. So I suggest we take a good hard look at his ratio of 1089. It may sound like 40 units per acre is a lot of units. but in a downtown like Natick, our goal on a site like ours would be to build between 18 to 21 units. You can't look at it based on an acre site, and this is an infill site in the downtown, smart growth development with a great hub for commuter rail. The right unit size mix is between 600 to 800 square feet so this ratio definitely needs to be re-examined.

# FINANCE COMMITTEE RECOMMENDATION - MOTION C

	RECOMMENDATION:	Referral to Sponsor, Planning
The Finance Committee took the		<b>Board and Select Board</b>
following action:	QUANTUM OF VOTE:	11-0-0
	DATE VOTED:	September 22, 2020

# **MOTION** C (Requires a Majority Vote)

# Move referral to the Sponsor, Planning Board and Select Board

Mr. Munnich said the sponsors of Motion C were looking at the effects of what DM had, what was allowed there and the implications of that would be in triggering expansions of DM in the areas which previously had been residential. One of the discussions was the desirability of having outdoor dining, but also at the same time the concerns as to what the effect of that would be in proximity to residential neighborhoods. Here is another example of the need to consider the DM not as a unitary whole, but as a core district and a peripheral ring district around that. So, the issues of dining and DM use are especially tortured. If you look at the use table for DM, there are five different definitions for establishments that can serve food. And some of them quite frankly, are rather discriminatory that you're allowing certain organizations to do it, but not others, not other enterprises to do that, on the basis of those discussions.

Those of us that have been working on Article 21 recognize that DM is diverse, not only in the concept that it allows diverse uses but also that the areas in the core are different from the areas around the periphery.

There is now an option under Article 25, for an omnibus study committee that can take up all the issues of downtown mixed use, the belief is that that may be the better target. Referral to Article 25 seems the better mechanism to take up the questions that have arisen with regard to what the proper distance and buffering of intensive downtown mixed use is so that we can have the highest level of flexibility for those areas, yet maintain the protections for the peripheral and abutting districts.

# **QUESTIONS FROM THE COMMITTEE - MOTION C**

A member raised a point of order, noting that the Committee just heard two motions where the sponsor suggested referral motions to an article that is not under consideration and does not yet exist. The Finance Committee Chair said that we would make the motions as the Finance Committee.

# **PUBLIC COMMENTS**

Mr. Stuart Rothman, Property Manager, One South Main Street

Regarding Motion C, one of the reasons we bought the property is the flexibility of having zoning code that gives latitude to the owners for commercial use for restaurants or other by-right use, you don't have to bring it to the Planning Board. I've been involved in many downtowns where every time you change occupancy for a restaurant, you have to bring it to the Planning Board. And let me tell you, it takes a huge amount of time, effort, and expense. We're trying to create vibrancy in the downtown here and the more streamlined you are; the more you will be able to attract great vibrant restaurants and uses downtown. I chuckled when Mr. Munnich said all mixed use developments in the downtown should

come under the authority of the Planning Board. Mr. Munnich has expressed his desire to know specifically the uses we would use in the commercial part of the building and I told the Planning Board, including Mr. Munnich that is very difficult to predict the uses that I will be looking at now, a year and a half from now, especially during COVID. You can't attract anybody, not a restaurant, not a commercial tenancy. Vacancies are hovering between 15 to 20%. In retail, it's going to be very difficult and challenging. So again, it's about the flexibility the developer has to bring the best retail he can to his building to achieve the desired ROI for that property. If we have to start with our commercial tenancies reviewed by the Planning Board or somehow limited by Planning Board review, that's extremely problematic.

#### FINANCE COMMITTEE RECOMMENDATION – MOTION D

	RECOMMENDATION:	Referral to Sponsor, Planning
The Finance Committee took the		<b>Board and Select Board</b>
following action:	QUANTUM OF VOTE:	11-0-0
	DATE VOTED:	September 22, 2020

# **MOTION D** (Requires a Majority Vote)

# Move referral to the Sponsor, Planning Board and Select Board

Mr. Munnich said Motion D specifically addresses the premise that parking in downtown mixed use should be the same as elsewhere in town. If you look at the empirical evidence we have in town of high density, residential use, being the primary driver at the Natick Paperboard project, there is a standard for parking there. And despite its proximity to mass transit, to the rail trail, walking distance amenities downtown, all the parking spaces are accounted for and taken. The sponsors of this article agree with the premise of parking should be the same across town. But when we say that we should mean it, as opposed to creating a series of exemptions which then say that was just the starting point on our way to zero.

Once again, however, on this as with every discussion of DM, what is absolutely an utterly clear is we do not have a homogenous DM district. This is something that needs a comprehensive study - something that did not occur under the Master Plan process with regard to the specific infrastructure needs of the DM. To that end, once again, the original direction was a request for the subject matter of Motion D to be referred to a study committee that would take up this topic and once again, there is the potential before us to have this motion referred instead to a more omnibus downtown mixed use study committee as envisioned under Article 25.

## QUESTIONS FROM THE COMMITTEE - MOTION D

Members noted that they agree that there are some things that need to be ironed out on this and referring it to all those bodies makes sense to get that done.

A member said Article 21 had some good points, wasn't amenable to the proposed solutions and agreed that those boards can come up with better solution for the town.

#### **PUBLIC COMMENTS**

Mr. Stuart Rothman, Property Manager, One South Main Street

Regarding Motion D, Natick is not alone in needing downtown parking. Mr. Rothman said he owns properties in in several communities and every community has this issue with parking - this is not unique to Natick Center. Under the current zoning, with commercial on the first floor and a seven unit development on the second floor, we would have to pay a parking in-lieu fee of \$276,000. The cost and challenge to a developer in Natick is that the rate of return is limited (Wellesley, Newton, & Cambridge provide greater returns). To develop effectively in Natick, you have to understand these limitations. If we have to park on-site and sink parking underground, it is completely cost-prohibitive. Underground parking, especially where there is a high water table is about \$50,000 to \$70,000 per parking space and there is no way you can get rentals or condo reversions in Natick that can support that kind of infrastructure cost. We want parking for our residents – we understand the need for resident parking and we need some creative ideas to find parking for our residents. But you are not going to have residential development in the downtown where the developer has to spend \$276,000 for parking in-lieu fees nor would I be able to find property 225 feet from property for my tenants to park as Mr. Munnich has proposed in Motion D.

I agree with Mr. Freas that you first need to deal with the zoning issues related to parking and then bring together available ideas and options to create off-site parking. I love Mr. Mr. Freas' idea of taking sites like Needham Bank or other sites that have great surplus parking and telling them at night, you can rent those parking spaces. And my tenants can go across the street and rent parking in the evening at Needham Bank. These are the creative ways to create parking for residential tenancies without impacting the ability of a developer like myself to be able to build on site and see something in the Natick Center that is scalable and vibrant.

# **Motions Provided by Sponsor** (requires a 2/3 vote)

# **Motion A:**

"Move to amend Section 200 – Definitions, of the Town of Natick Zoning Bylaws by deleting the following definition

'Dwelling Unit: One or more rooms providing complete living facilities for one family, including equipment for cooking or provisions for the same, and including room or rooms for living, sleeping and eating.'

And inserting in its place the words

'Dwelling Unit: One or more rooms providing complete living facilities for one family, including equipment for cooking, and including room or rooms for living, sleeping, eating, toileting and bathing.'"

## **Motion B:**

"Move to amend the Town of Natick Zoning Bylaws Section III-E 2.b.1 by adding, after the words, 'Multi Family Dwellings' the following 'not to exceed 40 dwelling units per acre of land area or land area divided by 1,089' so that Section III E.2.b.1 now reads '

1. Multi Family Dwellings not to exceed 40 dwelling units per acre of land area or land area divided by 1,089."

# **Motion C:**

"Move to amend the Town of Natick Zoning Bylaws Section III-E 2.b. by adding, after the words, '12. The serving of food and/or permitted beverages, with or without accompanying entertainment, on the premises of a hotel or motel, including without limitation, all restaurants, cocktail lounges, room service facilities, meeting and function rooms on the premises.' the following:

- '13. Restaurants, with or without the sale and service of alcoholic beverages, with indoor and/or outdoor seating provided that dust, noise, odor, smoke and vibration are confined to the premises.
- 14. Any mixed use project which includes a use requiring a special permit shall require a special permit for the entire project.'"

## Motion D:

Move to amend the Town of Natick Zoning Bylaws Section V-D Parking Facilities Required by Category of Parking Demand 3 b. For Multiple-Family Dwellings by deleting the words 'In a DM district there shall be one (1) space for a studio apartment, two (2) spaces for a 1 or 2 bedroom unit, and three (3) spaces for units having three (3) or more bedrooms, all of such spaces to be provided on-site.' so that Said subsection 3.b now reads:

'3.b For Multiple-Family Dwellings b) For Multiple-Family Dwellings - One (1) space for one (1) bedroom or studio units, one and one-half (1 1/2) spaces for two (2) bedroom units, and two (2) spaces for units having three (3) or more bedrooms. All required spaces are to be provided within a distance not to exceed three hundred (300) feet from the building in which the specific family unit served is located. In a PCD District, parking lots shall not exceed 125 spaces in any one lot, and lots shall be at all points at least twenty-five (25) feet apart.\* For

an AP Cluster Development, the parking requirements shall be one (1) space for a studio unit, and two (2) spaces for one or more bedrooms (Art. 45 S.T.M. April 7, 1987) Note: Any housing which is specifically designed and constructed to meet the needs of the elderly may reduce the parking requirements for all such units by one-half.'

And further to amend the Town of Natick Zoning Bylaws in Section V-D 5 Exceptions in the Downtown Mixed Use District by deleting the second paragraph in its entirety and replacing it with the following:

Further notwithstanding the minimum requirements enumerated in sections 3, c) through 3, q) above, in a DM District the SPGA may, as part of a special permit or site plan review for a change in use or expansion of prior use, in its discretion reduce the required number of parking spaces by an amount equal to the number of spaces by which the prior use is below the minimum number of spaces required for that use, but only upon a finding that the new or expanded use is not detrimental to the intent of this bylaw and that the new or expanded use (a) increases architectural accessibility, (b) accommodates mixed use on the parcel, (c) improves pedestrian and/or vehicular movements and safety, (d) reduces traffic congestion, (e) enhances the streetscape for abutting properties, (f) creates affordable housing and (g) accommodates mass transit facilities.

Neither the provisions of the previous paragraph nor the provisions of Section V-2 b may be applied to the creation of new multi family dwelling units in the DMU. Parking for new multifamily units in the DMU shall be provided either on site or off site. Any such off-site parking spaces must i) be located on a parcel that is within 225 feet of the parcel containing the new multi-family units measured from the nearest point of such lots or parcels to one another and ii) be permanently controlled and available to the new multi-family project either by deed or easement. Easements may provide for interval control over parking spaces if each such space is subject to a minimum 12 consecutive hours of use each day by the new multi-family project. Subject to the discretion of the SPGA, any combination of on and eligible off-site parking spaces may be used.' "

~~ END OF ARTICLE ~~

#### **ARTICLE 22**

# Local Option Exemption to Appoint a Police Officer (Town Moderator on behalf of Rita Silva Martins, et al)

#### ARTICLE LANGUAGE

To determine whether the Town will authorize the Select Board to petition the General Court for special legislation that would permit an applicant, Rita Silva Martins, who desires to seek appointment to be a police officer in the Town of Natick and who has reached the age of 32 before taking any civil service examination regarding such appointment. Said special legislation is as follows:

An act

SECTION 1. Notwithstanding Section 58 of Chapter 31 of the General Laws or any other general or special law or rule or regulation to the contrary regulating the maximum age of an applicant for appointment as a police officer, Rita Silva Martins of the Town of Natick, shall be eligible to have her name certified for original appointment to the position of Police Officer in the Town of Natick notwithstanding her having reached the age of 32 before taking any civil service examination in connection with that appointment.

SECTION 2. Rita Silva Martins shall be eligible for appointment to the position of police officer in the Town of Natick provided that she meets all other requirements for certification and appointment to this position.

SECTION 3. This Act shall take effect upon its passage.

or take any other action relative thereto.

#### PURPOSE OF THE ARTICLE

To authorize the Select Board to petition the General Court for special legislation that would allow Rita Silva Martins to be eligible for appointment to the position of police officer in the Town of Natick, after having reached the age of 32.

#### FINANCE COMMITTEE RECOMMENDATION

The Finance Committee took the following action:	RECOMMENDATION:	Favorable Action
	QUANTUM OF VOTE:	12-0-0
	DATE VOTED:	September 15, 2020

### **MOTION** (Requires a Majority Vote)

Move to authorize the Select Board to petition the General Court for special legislation that would permit an applicant, Rita Silva Martins, who desires to seek appointment to be a police officer in the Town of Natick and who has reached the age of 32 before taking any civil service examination regarding such appointment.

Said special legislation is as follows:

An act

SECTION 1. Notwithstanding Section 58 of Chapter 31 of the General Laws or any other general or special law or rule or regulation to the contrary regulating the maximum age of an applicant for appointment as a police officer, Rita Silva Martins of the Town of Natick, shall be eligible to have her name certified for original appointment to the position of Police Officer in the Town of Natick notwithstanding her having reached the age of 32 before taking any civil service examination in connection with that appointment.

SECTION 2. Rita Silva Martins shall be eligible for appointment to the position of police officer in the Town of Natick provided that she meets all other requirements for certification and appointment to this position.

SECTION 3. This Act shall take effect upon its passage

### FINANCE COMMITTEE PUBLIC HEARING AND DISCUSSION

Ms. Rita Silva Martins said this article is to authorize the Select Board to petition the MA General Court for an applicant (her), who desires to seek appointment to be a police officer in the Town of Natick and who has reached the age of 32 before taking any civil service examination regarding such appointment. Ms. Silva Martins said this special legislation is required because the civil service prohibits police officer applicants over 32 years old. This would give her permission to be considered for a police officer position in Natick. She is a Natick resident and has already taken and passed the civil service exam.

### **Questions from the Committee**

A member asked if civil service says someone over 32 cannot apply for a police position in a town. Ms. Silva Martins said that is correct. Under the civil service law, each town can set the age limit for police officers from hiring date to retirement. Prior to 2001, there was no age limit in Natick. In 2001, Natick adopted the civil service law, which puts a cap on the age for retirement purposes.

A member asked whether this legislation is specific to Ms. Silva Martin or does it open the door potentially to others. Ms. Silva Martins said the special legislation is for her specifically.

A member noted that were this motion to be adopted, Ms. Silva Martins could apply at any time in the next 25 years since the entry age threshold of 32 years old was exceeded. Ms. Silva Martins said she

took the civil service exam in 2019, then applied, but did not know that Natick had an age restriction. I received a letter disqualifying me because of the age limit. I think I'm on # 12 on the civil service list and have been called twice. I've taken the civil service test in different towns, but I live in Natick and would like to become a police officer here in Natick. Once this is approved, my application is going to be there next day.

A member asked if there is any other information that would push us toward approving this or not other than your desire to be a police officer. Are there recommendations from the Police Chief or Select Board members or anything like that. Ms. Silva Martins said she asked Chief Hicks for his endorsement, but he can't endorse a citizen's petition and must remain a neutral party. However, Chief Hicks is the person who showed me this motion that was used in another town and approved by the MA General Court. Lieutenant Arena has also encouraged me to apply.

A member quoted MGL c. 31 § 58 = Municipal police officers and firefighters; qualification, states "No person shall be certified for original appointment to the position of firefighter or police officer in a city or town which has not accepted sections 61A and 61B if that person has reached 32 years of age on or before the final date for the filing of applications." Natick accepted this law in 2001. It is not known why Natick adopted this age restriction, but perhaps Chief Hicks could shed light on this at Town Meeting.

A member asked whether there is an imminent position opening in the Natick Police or is this so you can be prepared for a future opportunity. Ms. Silva Martins said she received an email last week for a vacancy, but did not reply because unless this motion is approved, I cannot be considered for a position in Natick. There were four vacancies in Natick when I applied previously and was rejected.

### The Finance Committee recommended Favorable Action, voted 12-0-0.

### **Debate**

A member said the proponent of this article has done everything right. She was not aware of the age limit in Natick when she applied for a position. This is one-off situation that doesn't set a precedent for the next person who may want to petition to be considered after they have reached 32 years old. She is a Natick resident and that would benefit the community from a community policing perspective, so I enthusiastically support this.

A member said he will support this motion, but with difficulty because we are voting to override a regulation and don't know why the regulation exists. Chief Hicks would assist any potential police officer to try to achieve their goals.

A member said he was in favor of this article, citing the fact that we have a resident of the Town who has good relationships across the town and wants to serve in the community that she lives in.

### ~~ END OF ARTICLE ~~

#### ARTICLE 23

### Warrant Article Sponsored by the Town Meeting Practices and Rules Committee For the 2020 Fall Annual Town Meeting Warrant

### ARTICLE LANGUAGE

To see what action(s) the Town will take to

- 1) Amend Article 3 and/or Article 23 of the Town of Natick ByLaws to provide that the consideration and report, by the Finance Committee, of matters of business included within the articles of any warrant for a Town Meeting shall be required mandatory condition and such consideration shall be conducted as a public hearing at which residents and taxpayers, as defined in Article 2 section 10 of the Charter, and town employees shall have the right and opportunity to be heard on such matters of business;
- 2) Specify notice or publication requirements for such public hearing whether simply consistent with the open meeting law or otherwise;
- 3) Amend Article 3 of the Town of Natick Bylaws to allow the representative town meeting to waive the requirements contemplated in 1) above for such consideration, report and public hearing on specified or particular matters of business and to set the quantum of vote and other requirements for such waivers and include such waivers in the chart for Precedence of Motions;
- 4) Amend the Town of Natick ByLaws to establish that the requirement(s) contemplated in 1) above is necessary for such specified or particular matters of business to be in order at Town Meeting unless a waiver is voted;
- 5) Amend Article 7-9-b of the Town Charter to amend the phrase "unless otherwise provided by the charter or by law" to read "unless otherwise provided by the charter, by law or by bylaw" or similar wording;

6)

Or otherwise act thereon.

### FINANCE COMMITTEE RECOMMENDATION - MOTION A

The Finance Committee took the following action:	RECOMMENDATION:	Favorable Action
	QUANTUM OF VOTE:	8-0-0
	DATE VOTED:	September 10, 2020

### **MOTION A** (Requires a Majority Vote)

Move to amend Article 23 Finance Committee Section 4 Report, Recommendations of the Town Bylaws by inserting, after the sentence which ends "its recommendation as to each article", the following:

"As part said due consideration, the Finance Committee shall conduct a public hearing at which residents and taxpayers, as defined in Article 2 section 10 of the Charter, and town employees shall have the right and opportunity to be reasonably heard on such matters of business that are contained within the articles of any warrant for a Town Meeting. Compliance with the open meeting law shall be sufficient notice for such public hearing."

So that Section 4 now reads

"The Finance Committee shall consider all matters of business included within the articles of any warrant for a Town Meeting, and shall, after due consideration, report thereon, in print, its recommendation as to each article. As part said due consideration, the Finance Committee shall conduct a public hearing at which residents and taxpayers, as defined in Article 2 section 10 of the Charter, and town employees shall have the right and opportunity to be reasonably heard on such matters of business that are contained within the articles of any warrant for a Town Meeting. Compliance with the open meeting law shall be sufficient notice for such public hearing.

The Finance Committee shall distribute its said report to each of the Town Meeting Members at least seven (7) days in advance of a Town Meeting, except where compliance with this provision would defeat the purpose of a Special Town Meeting. The said recommendations shall be those of a majority of the appointed Committee at the time of the vote, but this shall not be construed to prevent recommendations by a minority as such. The Committee Report shall also state the total amount of the appropriations recommended by them on the entire Warrant. Said report for the Annual Town Meeting shall also contain a statement of the doings of the Committee during the year, with any such recommendations or suggestions as it may deem advisable on any matters pertaining to the welfare of the Town."

### FINANCE COMMITTEE PUBLIC HEARING AND DISCUSSION

Mr. Paul Griesmer, Chair, TMPRC

All the motions that we are proposing tonight were voted unanimously by the TMPRC.

Article 23 seeks to accomplish a couple of things: Under Article 23 of the bylaws (different than this Warrant Article 23), the Finance Committee has certain duties including to hear and to report on matters of business within warrant articles. Routinely, the Finance Committee practice is to have those meetings conducted as public hearings where there is typically a motion to open the public hearing on the warrant articles. And while that practice is commendable, it's actually not a public hearing. However, some warrant articles get placed on the Town Meeting warrant and the sponsors are unable to present to the Finance Committee and the Finance Committee is unable to make a recommendation to Town Meeting. There have been several incidences where this has occurred. One of the more prominent ones was the

citizen petition about dog kennels that took a night at Town Meeting, but was not heard by the Finance Committee.

One of the things that this article would achieve is to formalize the practice that the Finance Committee meetings and warrant article hearings are, indeed, public hearings that would elevate them to a status within Town Meeting Time where if a required public hearing has not been held, then the Town Moderator has to rule that it's not ready for Town Meeting's consideration.

These articles should be ready to be reviewed at the Finance Committee, so the heavy lifting is not done on Town Meeting floor and wasting time and causing confusion. This will force a sponsor to be prepared to bring their material to the Finance Committee on a timely basis and be ready for Town Meeting or their articles cannot be considered by Town Meeting.

Over the past several years, articles were put on the warrant to start discussion and people actually don't want the discussion with the Finance Committee, but want it discussed at Town Meeting, which is inefficient and counterproductive. The Finance Committee section of the town bylaws that would require a public hearing on these matters of business and within warrant articles with the Finance Committee, specifying that the Open Meeting Law postings are sufficient for public notice so you wouldn't have to advertise on the newspaper.

The companion piece to this is that members of the public would have a reasonable right to be heard. In the wake of the lawsuit brought against the Natick School Committee for freedom of speech violations during public speak, the Finance Committee adopted a practice of limiting not only the time that someone would have at citizen's concerns in front of the Finance Committee meeting, but also limiting the amount of time a member of the public wishes to speak on a warrant article if they had relevant facts on matters of that warrant article. Sometimes they were arbitrarily limited to 3-4 minutes.

This creates many issues including matters that weren't heard - there were several articles that could have taken an hour at Town Meeting that are taking two nights because information was not allowed in front of the Finance Committee because it couldn't fit within this 3-4 minute window. The other issue is that if a citizen knew they could not make their points in 3-4 minutes, they would have to write up a multi-page essay to make their points and that's a big burden and it may not be read before the Finance Committee. What you could say in 10 minutes and clarify with a couple of questions is more efficient and there's no guarantee that anybody reads it.

Another part of the motion is to allow Town Meeting to waive this requirement because there are times when important stuff just isn't ready. For example, there was \$40,000 of miscellaneous eminent domain acquisitions to allow the town to get the funding to build the CRT where the town already spent around \$7-\$8 million. Without that \$40K, the town would have not gotten the federal money and we would have owned a long, contaminated CRT at for \$7.6 million. The overall goal of Article 23 is to get article sponsors to respect the Finance Committee process because Town Meeting depends on the Finance Committee to function well. Motions A and B are the same as what voted favorably on in the spring. Motion C is an addition that would take Motion B and add it to the precedence of motion charts in the spot where the Town Moderator recommended it.

### **Questions from the Committee**

A member asked if this article targets someone presenting a warrant article and not the subject of public speak at the beginning of Finance Committee meetings. Mr. Griesmer confirmed that is was presenters of business before the Committee.

A member wanted to differentiate between sponsors of an article and the amount of time that that person gets to speak on an article versus a member of the public commenting on that article. One of the things that we did at the beginning of our fall session kickoff was to talk about how we better handle public participation in our hearings. My question is how the language of this article differentiates between a proponent speaking on this article and a member of the public. Mr. Griesmer said that time limits were discussed, but ultimately time limits were not explicitly called out in the final motion.

### **Public Comments**

Ms. Sue Salamoff said she appreciates dedicated work of the TMPRC However, I am very passionate about how we structure our town government and believe part of the process should reveal intended and unintended consequences. Our charter was written based on thirty-nine hearings with legal counsel and it it's not getting the airing that it should in my opinion. Did they get any legal advice on intended or possible unintended consequences. Mr. Griesmer said Town Counsel reviewed the drafts of these motions, made comments and suggested edits to them and we implemented those edits.

Ms. Cathi Collins said they have had approximately a dozen public meetings to discuss these articles and they were discussed in the spring before they came before the Finance Committee. They were discussed again recently so I'm not sure what further airing would accomplish. As far as unintended consequences, the system worked great until the decision was made to limit the amount of public input at the Finance Committee, then everything spilled over on Town Meeting floor. This article is trying to reset it and require that, going forward, the public should have a reasonable opportunity to participate.

### The Finance Committee recommended Favorable Action on Article 23 Motion A, voted 8-0-0.

#### **Debate**

A member was reassured that the effect of this motion is to restore a practice that was uniformly practiced previously following the creation of the town charter years ago. I'm all for restoring it after it was interrupted due to some disruptive behaviors, and adding some safety valves so that various people and bodies can deal with disruptiveness in the future in an appropriate manner. It sends the right message that public hearing at the Finance Committee is generally expected on matters that come before Town Meeting and it allows sufficient flexibility that, should other circumstances come up of the sort that disrupted that long standing practice, there are tools to deal with that.

A member was supportive but concerned about how open ended this is as far as the time requirement for public speaking. For example, the Planning Board has a rule where the proponents of project get a much larger opportunity to speak than an abutter to that project and it is strictly enforced. I don't see any differentiation of that here. I'm concerned about the high potential for someone to hijack time on the

very full agenda that we have, particularly with respect to Fall Town Meeting where we don't have slack in our hearing schedule. I don't want to see everybody who has an interest in speaking on this to be able to speak for an unlimited time. With the increased participation that we now seem to have, I see real problems getting through our work. I think we need to develop a town-wide public hearing policy that we need to run by Town Counsel that governs the elected and appointed bodies. I am concerned about this won't stop me from supporting these motions because I believe that public input is a very good thing. I'd be pleased if somebody can disabuse me of this fear.

A member said that right now, it's up to individual committees to determine the rules for their hearings. It would be great if we could come to some reasonable town-wide understanding so that the public understands how best to conduct business with the town of Natick, and how they can participate without necessarily setting guidelines restricting the number of minutes they can speak. This article provides some guidance in terms that the Committee can establish how long the opportunity to be "reasonably heard" is and it doesn't mean unlimited participation by everyone. We've had meetings where many people have shown up and we cannot let them all speak at length, so it's relying on the judgment of the Chair to define "reasonable". I think it's a good alternative when the alternative is curtailing public input. I think that we would benefit as a community by having more people involved and increasing participation, yet don't want to be working until 1 AM every meeting just to let everyone speak.

#### FINANCE COMMITTEE RECOMMENDATION – MOTION B

The Finance Committee took the following action:	RECOMMENDATION:	Favorable Action
	QUANTUM OF VOTE:	8-0-0
	DATE VOTED:	September 10, 2020

### **MOTION B** (Requires a Majority Vote)

Move to amend Article 3 Procedure at Town Meetings Section 1 Rules of Procedure by inserting a new paragraph after the paragraph which concludes "ruling of the Moderator shall prevail." As follows:

"The representative town meeting may, by 2/3rds vote, waive any requirement in the bylaws for a public hearing, unless required by statute or the Town Charter, on specified or particular matters of business included within the articles of any Town Meeting."

So that Article 3 Section 1 now reads

#### "Section 1 Rules of Procedure

The proceedings of Town Meetings shall be governed by such rules of practice as are clearly set out in the most recent edition of "Town Meeting Time" by Johnson, Trustman, and Wadsworth, except as modified by law or by the following sections. In the event that "Town Meeting Time" does not clearly indicate a single course of action, the ruling of the Moderator shall prevail.

The representative town meeting may, by 2/3rds vote, waive any requirement in the bylaws for a public hearing, unless required by statute or the Town Charter, on specified or particular matters of business included within the articles of any Town Meeting."

### FINANCE COMMITTEE PUBLIC HEARING AND DISCUSSION - MOTION B

The Finance Committee recommended Favorable Action on Article 23 Motion B, voted 8-0-0.

#### FINANCE COMMITTEE RECOMMENDATION – MOTION C

The Finance Committee took the following action:	RECOMMENDATION:	Favorable Action
	QUANTUM OF VOTE:	8-0-0
	DATE VOTED:	September 10, 2020

### **MOTION C** (Requires a Majority Vote)

"Move to amend the chart "Precedence of Motions" in Article 3 of the By-Laws by adding, after the line "Take No Action", a new line beginning with the words "Waive Mandatory Conditions Precedent ++++++" under the column "Motions" and adding the word "Yes" under the column "Second Required", adding the word "Yes" under the column "Debate", adding the word "No" under the column "Amend" and adding the words "2/3 Majority" under the column "Vote Required"

And by adding a footnote after the existing footnotes to read "+++++Finance Committee Public Hearing; See By-Laws Article 3 Section 1; Article 23 Section 4"

So that the chart "Precedence of Motions" now reads:

### PRECEDENCE OF MOTIONS

Motion	Second Required	Debate	Amend	Vote Required
Adjourn or dissolve	Yes	No	No	Majority
Adjourn to a fixed time or recess++++	Yes	Yes	Yes	Majority
Lay on the table	Yes	Yes	No	2/3 Majority
For the previous question <sup>+++</sup>	Yes	No	No	2/3 Majority

For secret ballot	Yes	No	No	2/3 Majority
Roll call vote	Yes	Yes	No	1/3 Majority
Postpone to a time certain	Yes	Yes	Yes	Majority
Commit, recommit, or refer	Yes	Yes	Yes	Majority
Amend	Yes	Yes	Yes	Majority
Postpone indefinitely	Yes	Yes	No	Majority
Main Motion	Yes	Yes	Yes	Majority
Take no action	Yes	Yes	No	Majority
Waive Mandatory Conditions Precedent +++++	Yes	Yes	No	2/3 Majority
Reconsideration	Yes	Yes	No	2/3 Majority
Take from the table	Yes	Yes	No	Majority
Take up an article out of order	Yes	Yes	Yes	2/3 Majority

<sup>+</sup> See Section 3.

### FINANCE COMMITTEE PUBLIC HEARING AND DISCUSSION - MOTION C

The Finance Committee recommended Favorable Action on Article 23 Motion C, voted 8-0-0.

~~ END OF ARTICLE ~~

<sup>++</sup> Some main motions are required by the general laws to be passed by greater than a majority vote; for example, bond issues, zoning changes, the taking of land require a 2/3 vote. For other examples, refer to the appendix in *Town Mee Time* entitled "Quantum of Vote."

<sup>+++</sup> See Section 11.

<sup>++++</sup> See By-Law Article 1, Section 3.

<sup>+++++</sup> Finance Committee Public Hearing; See By-Laws Article 3 Section 1; Article 23 Section 4"

#### **ARTICLE 24**

### Warrant Article Sponsored by the Town Meeting Practices and Rules Committee For the 2020 Fall Annual Town Meeting Warrant

#### ARTICLE LANGUAGE

To see what action(s) the Town will take to Amend Article 5 Fiscal Procedures of the Town of Natick Home Rule Charter to:

- 1) Authorize the representative Town Meeting by ByLaw to require certain information to be included or provided in connection with the budget message and any annual preliminary or submitted operating and/or capital expenditures budget for an ensuing fiscal year; and/or
- 2) Require certain procedures to be followed and information to be provided in connection with an updated budget message and updated annual operating and/or capital expenditures budget for a current fiscal year at Spring or Fall Annual Town Meeting and/or special town meetings and/or
- 3) Authorize the representative Town Meeting by ByLaw to require certain procedures to be followed and information to be provided in connection with an updated budget message and updated annual operating and/or capital expenditures budget for a current fiscal year at Spring or Fall Annual Town Meeting and/or special town meetings; and/or
- 4) Specify additional information to be included in the budget message and any annual preliminary or submitted operating and/or capital expenditures budget for an ensuing fiscal year; and/or

Or otherwise act thereon

### FINANCE COMMITTEE RECOMMENDATION

The Finance Committee took the following action:	RECOMMENDATION:	Favorable Action
	QUANTUM OF VOTE:	8-0-0
	DATE VOTED:	September 10, 2020

### **MOTION** (Requires a 2/3 Vote)

"Move to Amend Article 5 Fiscal procedures Section 4 Budget Message of the Town Charter by adding, after the words "or the Board of Selectmen may require" the following:

"The representative Town Meeting may, by By-Law, require certain information on assets and liabilities of the Town to be provided as part of the budget message"

Move to Amend Article 5 Fiscal procedures by inserting a new section as follows:

"Section 5-7 Budgets for the Current Fiscal Year

The representative Town Meeting may, by By-Law, require an updated budget message and certain information to be provided in connection with annual operating and/or capital expenditures budgets for a current fiscal year at Spring Annual Town Meeting, Fall Annual Town Meeting and for any special town meeting which deals with fiscal or budgetary matters."

And by changing the title of "Section 5-7 Capital Improvement Program" to be "Section 5-8 Capital Improvement Program". "

### FINANCE COMMITTEE PUBLIC HEARING AND DISCUSSION

The Finance Committee heard this article previously in the spring. At that point, it was broken up into separate motions: Motion A and Motion B and both passed 12-0-0. Mr. Paul Griesmer, TMPRC Chair, said the motions were consolidated because the TMPRC thought it would be simpler to do it in one motion.

Mr. Griesmer said Article 24 is a proposed charter change. The Town Charter has an excellent "Article V. Fiscal Procedures" section that deals with the proposed budget for the ensuing fiscal year. It's a very comprehensive item, but there is nothing in the charter that allows for and provides for any form of fiscal procedure for a Fall Annual Town Meeting or for a Special Town Meeting that deals with financial matters. There is also nothing in the bylaws that has any fiscal procedures about a Fall Annual Town Meeting or Special Town Meeting devoted to financial matters.

In addition, even with the procedures in the charter, there's a procedural requirement and some basic elements of information that have to be there - it has to show the proposed operational budgets by town agency and the proposed capital budgets for that next year and then Town Meeting gets to hear it and vote on it after the Finance Committee hearings. Within that set of procedures are the fiscal procedures for the next fiscal year's budget that says the Town Administrator can include information that he or she believes is desirable.

Another clause says we can include addition or additional information that the Select Board think is desirable. There's no provision that allows Town Meeting to request information. The TMPRC went back and forth on this concept with Town Counsel with the focus on unintended consequences. The TMPRC focus is on assets and liabilities, not on everything associated with the budget. If this charter change is passed, this change would go before the voters in the next local election (Spring 2021) and, if approved by voters, we'd have to work on the bylaw language to make this change.

Since Town Meeting cannot specify what budget information it wants to see, we cannot get to the bylaw change. Since the Town Charter was passed in the 1980s, a great deal has changed in the municipal finance world and Prop. 2 ½ passed. Under Prop. 2 ½, new growth revenue provides additional revenue beyond the 2 ½ limit to budget increases in a fiscal year. For a long period of time after we first adopted the charter, the new growth revenue wasn't something we depended on. However, if we leave the new growth revenue unappropriated it doesn't get raised because the Assessors will only raise the tax if Town Meeting votes to appropriate it.

Other changes have occurred since 1980 such as Local Option meals tax collection, Hotel tax collection and motor vehicle excise tax collection. The requirement for towns to fund their pension liability occurred during the late 1980s. Information on the funding of the pension liability, funding of the OPEB liability and the balances in the Town's stabilization accounts is sometimes included in the budget, but very often left out and Finance Committee members, members of the public, or Town Meeting members have to dig for it. Sometimes, they have to request it on Town Meeting floor, as happened at a recent Town Meeting where a member asked what the OPEB liability was and couldn't get an answer – not because the answer was unavailable, it was simply a computational matter, but no one thought to bring it to Town Meeting.

We also need to have the certified Free Cash number and the sources of that Free Cash are. If a department only spent two-thirds of its budget, absent explanatory information, it may not need 100% of that budget. It's also good to know how much the snow and ice deficit is. This article gives Town Meeting, the ability to identify recurring financial information to provide at Town Meeting and Special Town Meeting.

### **Questions from the Public**

Ms. Susan Salamoff asked how this article would be implemented in practice in a bylaw change – would there be a list of items the Town Administrator must provide to Town Meeting. Mr. Griesmer said it's a three-part answer:

Right now, there is no requirement for an updated budget message at Fall Annual Town Meeting nor a requirement to provide an updated the revenue and expenditure summary. Town Meeting runs more smoothly when the necessary fiscal information is routinely produced. If Town Meeting gets this authority, there will be discussion with the Select Board and the Town Administrator to identify what Town Meeting would like to see provided. The TMPRC did not put that into the bylaw for two reasons: a) it would preclude the opportunity to have this detailed discussion with the Select Board and Town Administrator.; b) It also is the wrong place to put it because the charter requires Town Meeting approval, then waiting for the next municipal election to be able to change it.

~~ END OF ARTICLE ~~

## ARTICLE 25 CREATE STUDY COMMITTEE OF TOWN MEETING TO CONDUCT REVIEW OF DOWNTOWN MIXED-USE ZONING

(Paul Griesmer, et al.)

#### ARTICLE LANGUAGE

To see if the Town will vote to authorize the Board of Selectmen, during Fiscal Year 2021, to acquire on behalf of the Town any and all easements for any of the following purposes: roads, sidewalks, vehicular and/or pedestrian access or passage, drainage and utilities, provided however that such authorization pertains only to easements acquired at no cost to the Town; and, further, to authorize the Board of Selectmen, subsequent to a public hearing, during Fiscal Year 2021 to abandon or relocate easements acquired for any of the foregoing purposes; or otherwise act thereon.

"To what action the Town will take:

- i) to create a committee to study and review any and all aspects of the Downtown Mixed Use Zoning District (DMU) including without limitation any and all dimensional regulations, intensity regulations, allowed uses (whether as of right or by special permit or by section six (pre-existing non-conforming use) finding or otherwise), parking requirements, setback and regulations from surrounding districts, purpose of the DMU, role and purpose of the DMU as a Natick Center for all the people of all the precincts in Natick, capacity for the town to absorb the 2,000 additional apartment units advocated and proposed by others, definitions applicable to DMU whether applicable only to the DMU or DMU and other districts, perimeter of the DMU, possible districts within the current DMU, review the basis for previous ZBA decisions authorizing apartments without requiring off-site parking, on-site parking or affordable housing, review traffic capacity of streets and roads throughout the DMU and associated zoning implications, reviewing DMU zoning articles that were referred to but never considered by elected or other standing town committees, reviewing and referring to said committee other proposed DMU zoning changes, reviewing the history of development and applications for development in the DMU; and/or
- ii) to determine the term, charge and responsibility of said committee including but not limited to the above, to consulting with all downtown stakeholders in the DMU and consulting with stakeholder and citizens throughout all ten precincts of the Town, and to bringing possible zoning amendments back to Town Meeting; and/or
- iii) to determine the size, composition, eligibility and qualifications to serve on such study committee; and/or
- iv) to determine which town agencies will provide support to such committee and whether to provide such committee with access to Town Counsel; and/or

otherwise act thereon."

### FINANCE COMMITTEE RECOMMENDATION

The Finance Committee took the following action:	RECOMMENDATION:	None
	QUANTUM OF VOTE:	
	DATE VOTED:	

### **MOTION**

None

### FINANCE COMMITTEE PUBLIC HEARING AND DISCUSSION

At this time, the Finance Committee has not heard Article 25 as there has been no motion submitted by the sponsor.

~~ END OF ARTICLE ~~

### ARTICLE 26 Committee Article (Town Administrator)

### ARTICLE LANGUAGE

To see if the Town will vote to hear and discuss the reports of town officers, boards, and committees; or otherwise act thereon.

### PURPOSE OF THE ARTICLE

To hear and discuss the reports of town officers, boards, and committees.

### FINANCE COMMITTEE RECOMMENDATION

The Finance Committee took the following action:	RECOMMENDATION:	No Action
	QUANTUM OF VOTE:	10-0-0
	DATE VOTED:	September 24, 2020

**MOTION** (Requires a Majority Vote)

**Move No Action on Article 26** 

### FINANCE COMMITTEE PUBLIC HEARING AND DISCUSSION

This has been a standing warrant article since the 2011 Fall Annual Town Meeting.

The Finance Committee met on September 24, 2020 to discuss Article 26. At that time, no Committees, Commissions or Boards sought a motion to present a Committee report to Town Meeting, under Article 26.

~~ END OF ARTICLE ~~



## WARRANT FALL ANNUAL TOWN MEETING OCTOBER 20, 2020

### THE COMMONWEATH OF THE MASSACHUSETTS

Middlesex, ss

To Any Constable of the Town of Natick in said County: Greeting:

In the name of the Commonwealth of Massachusetts you are required to notify the qualified Town Meeting Members of the said Town of Natick to meet via remote participation on **Tuesday Evening October 20, 2020 at 7:30PM**, to act on the following Articles:

Article 1	Amend Zoning By-Laws: Amendment to Zoning Map – Downtown Mixed Use (DM) District
Article 2	Home Rule Petition: Authorization to Issue (1) on Premise Alcoholic Beverages License for 45 East Central Street, Natick, Massachusetts
Article 3	Amend Zoning By-Laws: Setbacks in Downtown Mixed Use (DM) District
Article 4	Amend Zoning By-Laws: Downtown Mixed-Use District: Ground Floor
	Residential Uses
Article 5	Amend Zoning By-Laws: Incremental Parking Schedule
Article 6	Amend Zoning By-Laws: Parking in Downtown Mixed Use (DM) District
Article 7	Amend Zoning By-Laws: Amendment to Zoning Map – Downtown Mixed Use (DM) District
Article 8	Amend Zoning By-Laws: Uses in Downtown Mixed Use (DM) District
Article 9	Sherborn Sanitary Sewer Extension (Pulte Homes) Intermunicipal Agreement
Article 10	Authorize Special Legislation Article 97 Land Disposition of a Portion of 181 West Central Street
Article 11	Amend Zoning By-Laws: Single Family Residential Cluster Development
Article 12	Option Overlay District ("ISLOOP") of the Town of Natick Zoning By-laws.
Article 13	Repeal Historical Preservation Smaller Estates Amendment (Town Moderator on behalf of Robert Awkward & Brad Peterson et al)
Article 14	Modify Historical Preservation Bylaw Amendment (Town Moderator on behalf of Beatrice Farr et al)
Article 15	Plastic Straw Restriction (Town Moderator on behalf of Joseph Napurano et al)
Article 16	Review and Revise the Natick Town Seal (Mia Kheyfetz, et al.)
Article 17	To Amend Certain Provisions of Section III-I.2.2.5 of the Town of Natick Zoning By-laws (Sheryl Turner, et al.)
Article 18	Amend Home Occupation Dog Kennel Zoning (Town Moderator on behalf of Saul Beaumont et al)
Article 19	Reform of the Electoral Process (Town Moderator on behalf of Paul Connolly et al)
Article 20	Amend Zoning By-Law to Create East Central Street Overlay District (Town

	Moderator on behalf of Julian Munnich et al)
Article 21	Amend Zoning By-Laws: Downtown Mixed Use Zoning Amendment (Town
	Moderator on behalf of Julian Munnich et al)
Article 22	Local Option Exemption to Appoint a Police Officer (Town Moderator on behalf
	of Rita Silva Martins, et al)
Article 23	Warrant Article Sponsored by the Town Meeting Practices and Rules Committee
	For the 2020 Fall Annual Town Meeting Warrant
Article 24	Warrant Article Sponsored by the Town Meeting Practices and Rules Committee
	For the 2020 Fall Annual Town Meeting Warrant
Article 25	Create Study Committee of Town Meeting to Conduct Review of Downtown
	Mixed-Use Zoning (Paul Griesmer, et al.)
Article 26	Committee Article

### ARTICLE 1 AMEND ZONING BY-LAWS:

### Amendment to Zoning Map – Downtown Mixed Use (DM) District (Select Board)

To see if the Town will vote to change the following parcel from the Residential General (RG) Zoning District to the Downtown Mixed Use (DM) Zoning District:

Assessors Map 44 Lot 180, known as 45 East Central Street, as shown on the plan on file with the Community and Economic Development Office and the Town Clerk's Office

or otherwise act thereon.

### **ARTICLE 2**

Home Rule Petition: Authorization to Issue (1) On Premises Alcoholic Beverages License for 45 East Central Street, Natick, Massachusetts (Select Board)

To see if the Town will vote to authorize the Select Board to petition the General Court of the Commonwealth to enact special legislation, notwithstanding the provisions of Section 17 of Chapter 138 of the Massachusetts General Laws, or any other general or special law to the contrary, authorizing the Town to issue (1) license for the sale of alcoholic beverages to be drunk on the premises, for the property located at 45 East Central Street, Natick, Massachusetts, provided that the General Court may reasonably vary the form and substance of the requested legislation within the scope of the general public objectives of the petition; or otherwise act thereon.

ARTICLE 3
AMEND ZONING BYLAWS:
Setbacks in Downtown Mixed Use (DM) District
(Select Board)

To see if the Town of Natick will vote to amend Natick Zoning By-Laws with regard to the front setback requirements in Natick Center by modifying section III-E.3 (Dimensional and Density Requirements)

Or otherwise act thereon.

### ARTICLE 4 AMEND ZONING BY-LAWS:

Downtown Mixed-Use District: Ground Floor Residential Uses (Select Board and Planning Board)

To see if the Town will vote to amend the Town of Natick Zoning Bylaws regarding ground floor uses in the Downtown Mixed Use (DM) District by:

- A. Amending Section III-E (Downtown Mixed Use District (DM)), including but not limited to:
- B.. Use Regulations for the DM Districts;

or otherwise act thereon.

# ARTICLE 5 AMEND ZONING BYLAWS: Incremental Parking Schedule (Select Board and Planning Board)

To see if the Town will vote to amend the Town of Natick Zoning Bylaws by modifying Section V-D (Off-Street Parking and Loading Requirements) and other sections of the Bylaw, as required, regarding the designation of funds received through the provisions of Section V-D.3 (Parking Facilities Required by Category of Parking Demand) and Section V-D.5 (Exceptions in Downtown Mixed Use District)

Or otherwise act thereon.

ARTICLE 6
AMEND ZONING BYLAWS:
Parking in Downtown Mixed Use (DM) District
(Select Board and Planning Board)

To see if the Town will vote to amend Natick Zoning By-Laws with regard to off-street parking requirements in Downtown mixed Use (DM) District by:

A. Replace, eliminate or modify the following sections (including, without limitations, subsections and/or footnotes) that relate to off-street parking standards for DM districts:

- Section V-D.3 Parking Facilities Required by Parking Demand
- Section V-D.5 -Exceptions in Downtown Mixed Use District
- Sections V-D.6 Location of Required Parking Spaces to V-D.19 Administration & Parking

Or otherwise act thereon

.

## ARTICLE 7 AMEND ZONING BY-LAWS: Zoning Man — Downtown Mixed Use (DM

Amendment to Zoning Map – Downtown Mixed Use (DM) District (Select Board and Planning Board)

To see if the Town will vote to change the following parcels from the Residential General (RG) Zoning District to the Downtown Mixed Use (DM) Zoning District:

Assessors Map 43 Lot 263, known as 16 West Central Street; Assessors Map 43 Lot 262, known as 14 West Central Street; and Assessors Map 43 Lot 257, known as 25 Pond Street as shown on the plan on file with the Community and Economic Development Office and the Town Clerk's Office

or otherwise act thereon.

# ARTICLE 8 AMEND ZONING BYLAWS: Uses in Downtown Mixed Use (DM) District (Select Board and Planning Board)

To see if the Town will vote to amend the Town of Natick Zoning Bylaws by modifying Section III-E.2 (Use Regulations Schedule for DM Districts) and Section 200 (Definitions) and other sections of the Bylaw, as required, regarding restaurants and eating establishments

Or otherwise act thereon.

#### **ARTICLE 9**

### Sherborn Sanitary Sewer Extension (Pulte Homes) Intermunicipal Agreement - (Town Administrator)

To see if the Town will vote to authorize the Select Board to enter into an Intermunicipal Agreement with the Town of Sherborn for the receipt of sanitary sewerage for a term of up to 99 years on such terms and conditions that the Board determines are in the best interest s of the Town; and further to see if the Town will authorize the Select Board to take any and all action necessary to effectuate such agreement including, but not limited to, petitioning the General Court for a special act authorizing said agreement

Or otherwise act thereon.

Article 10
Authorize Special Legislation
Article 97 Land Disposition of a
Portion of 181 West Central Street
(Natick Affordable Housing Trust Fund)

To see if the Town will vote:

- A. To authorize the Select Board to petition the General Court for the creation of special legislation in support of the disposition of approximately 1.25 acres of land subject to the provisions of Article 97 of the Articles of Amendment to the Constitution of the Commonwealth of Massachusetts. Such land is a portion of the approximately 2.25 acre parcel at 181 West Central Street and would be repurposed for the creation of affordable housing with preference to veterans as permitted by the funding source or other requirements. The precise description of the disposed land shall be determined by a property survey commissioned by the Affordable Housing Trust Fund prior to the submission of the petition to the General Court.
- B. To grant compensatory land from one or more Town- or Trust-owned parcels, in accordance with any necessary requirements of Article 97.

Or otherwise act thereon.

ARTICLE 11
AMEND ZONING BYLAWS:
Single Family Residential Cluster Development
(Planning Board)

To see if the Town will vote to amend the Zoning By-laws to consolidate, modernize and

simplify Residential Cluster development provisions by Replacing in their entirety Sections III-1.F - III-5.F with a new Section III-F.1 that:

- 1. Addresses the following topics:
  - a. Purpose and Intent;
  - b. Applicability;
  - c. Permitted and Allowed Uses;
  - d. Procedures;
  - e. Criteria;
  - f. Development Area;
  - g. Number of Dwelling Units;
  - h. Cottage Dwellings;
  - i. Intensity Regulations;
  - j. Exceptions to the Otherwise Applicable Intensity Regulations;
  - k. Cottage Development Alterations Restrictions;
  - 1. Age Qualified Housing Units;
  - m. Affordability;
  - n. Building Design Criteria;
  - o. Preserved Open Space;
  - p. Parking;
- 2. Amends, modifies, or adds to Article I, Section 200 Definitions, including without limitation defining any aspect of the provision(s) for 'Cottage Development', 'Preserved Open Space', 'Development Area' and 'Net Usable Land Area' to the Town of Natick Zoning Bylaw;
- 3. Amends modifies or adds to Article III.A.2

Or otherwise act thereon.

## ARTICLE 12 Option Overlay District ("ISLOOP") of the Town of Natick Zoning By-laws. (Rocky Melchiorri, et al.)

To see if the Town will vote to designate that certain parcel of land, located on the northerly side of Union Street known and numbered as 34 Union Street, and specifically identified as Assessor's Map number 44 Parcel 259, intending to describe that land contained in that certain deed recorded in the Middlesex South District Registry of Deeds in Book 67492, Page 151, all as more particularly described on a Plan entitled "Amended Independent Senior Living Option Overlay District" by Engineering Design Consultants, Inc., dated August 14, 2020 available for viewing and inspection at the Select Board office, or to act on anything related thereto.

### **ARTICLE 13**

### Repeal Historical Preservation Smaller Estates Amendment (Town Moderator on behalf of Robert Awkward & Brad Peterson et al)

To see if the Town will vote to Repeal Section III-J(I0), "Historical Preservation: Smaller Estates", of the Natick Zoning By-law

#### **ARTICLE 14**

### Modify Historical Preservation Bylaw Amendment (Town Moderator on behalf of Beatrice Farr et al)

To see if the Town will vote to modify Section III-J(I0), "Historical Preservation: Smaller Estates" of the Natick Zoning Bylaw by,

- (a) reducing the amount of new construction that can be added to existing historical structures based on their documented interior habitable floor space;
- (b) reducing the amount of new construction of replicated historical structures based on their documented interior habitable floor space or the above-grade gross volume of that former structure:
- (c) limiting replication to those historical structures that were located entirely within the bounds of the applicant's current lot;
- (d) reducing the allowable FAR of the interior habitable floor area;
- (e) reducing the maximum number of dwelling units allowed on the net useable land area;
- (f) authorizing the Planning Board and the Board of Selectmen to jointly appoint a study committee to make other modifications to create clearer guidance concerning the decisional criteria of this "Smaller Estates" section, provide definitions where appropriate, and/or harmonize this section with the rest of the Historic Preservation Bylaw (Sect. III-J); such study committee shall contain no more than seven (7) members, may include members from their own boards, but must include a member of the Natick Historical Commission and the Director of Community and Economic Development and at least three (3) Natick citizens not serving on those two boards and the commission;
- (g) requiring that until such time as the aforementioned study committee completes its modifications, there shall be a moratorium, not to exceed one (1) year, on any applications under Sect. III-J (1O); or

take any other action with respect thereto but consistent with (a)-(g) above.

### **ARTICLE 15**

### Plastic Straw Restriction (Town Moderator on behalf of Joseph Napurano et al)

Prohibit a full service restaurant from providing a single-use plastic straw to a consumer unless requested by a consumer.

Violation beyond first and second infraction will result in an infraction punishable by a fine of twenty-five dollars for each day of violation, but infractions will not exceed three-hundred dollars annually.

## ARTICLE 16 Review and Revise the Natick Town Seal (Mia Kheyfetz, et al.)

To see what action the Town will take to review and revise the Town Seal, including the preparation of a report and recommendation for a future Town Meeting, or otherwise act thereon

### **ARTICLE 17**

### To Amend Certain Provisions of Section III-I.2.2.5 of the Town of Natick Zoning By-laws (Sheryl Turner, et al.)

To Amend Certain Provisions of Section III-I.2.2.5 of the Town of Natick Zoning By-laws To see if the Town will vote to amend the Natick Zoning Bylaw by amending certain provisions of Section III-1.2.2.5 (Intensity Regulations) of the Bylaw concerning Minimum Setbacks as set forth in Section 111-I.2.2.5.3.a, Width and Additional Setbacks as set forth in Section 111-I.2.2.5.9 or take any action relative thereto.

## ARTICLE 18 Amend Home Occupation Dog Kennel Zoning (Town Moderator on behalf of Saul Beaumont et al)

To see if the Town will vote to amend the Town of Natick Zoning Bylaws as follows, including but not limited to:

- 1) Amend Section I/Article I Section 200 DEFINITIONS to establish, create, define, and/or recognize multiple methods, arrangements, and/or forms of owning, breeding, boarding, caring for, supervising, kenneling, and/or otherwise maintaining dogs in a Home Occupation/Customary Home Occupation Dog Kennel; and
- 2) Amend any other Section of the Natick Zoning Bylaw necessary to regulate these uses; or otherwise act thereon.

#### **ARTICLE 19**

Reform of the Electoral Process (Town Moderator on behalf of Paul Connolly et al)

To see if the Town will take action first to study and later to implement a reform of the electoral process for choosing elected Town officers that is based on the use of a method of ranked-choice voting in which voters indicate their order of preference for the candidates they choose. The goal is that all candidates elected have received votes from a majority of those voting for that office, whether that is achieved using first choice votes only or when subsequent choice votes are incorporated into the calculations in turn. The second goal achieved is the elimination of preliminary elections.

### ARTICLE 20

### Amend Zoning By-Law to Create East Central Street Overlay District (Town Moderator on behalf of Julian Munnich et al)

"To see what action(s) the town will take to amend the Zoning By Law to create an East Central Street Overlay District (ECSOD) and to designate all, some or portions of 45 East Central Street (also identified as real estate tax parcel Lot 180 on Map 44 of the Town Assessor), 4 and/or 6 Lincoln Street (also identified as real estate tax parcels or Lots 181 and 182 on Map 44 of the Town Assessor) and/or 5 Wilson Street (also identified as real estate tax parcel or Lot 195 on Map 44 of the Town Assessor) as an ECSOD District including but not limited to:

- 1) Specifying the purpose and objective of such ECSOD
- 2) Creating new or modifying existing definitions for this purpose whether within an ECSOD section of or elsewhere in the zoning bylaw;
- 3) Specifying allowed uses in such ECSOD and the extent of such uses;
- 4) Setting any and all dimensional and intensity regulations for this ECSOD including without limitation:

building height including "sky plane" or stepped back height restrictions, b) any and all setbacks, c) lot frontage, d) lot depth, e) number of residential units, f) type and size of units, g) affordability requirements, h) minimum or maximum or other parking requirements, i) open space, j) lot coverage, k) building coverage(s), 1) Floor Area Ratio (FAR), m) Landscape Surface Ratio (LSR), n) lot area, o) amount of commercial use(s), etc.;

- 5) Specifying whether such ECSOD or any or all uses within such ECSOD requires a Special Permit, what the Special Permit and/or Site Plan Review process might consist of or require, and who the Special Permit Granting Authority would be;
- 6) Specifying whether or not and to what extent and on which dimensional or intensity or regulations and under what conditions the Special Permit Granting Authority might waive or modify such regulations;

### 7) Establishing requirements for:

- a) screening and/or buffering of structures, site improvements, parking and or the site from adjacent and surrounding residences and land uses, b) orientation, location and/or screening of loading docks, dumpsters, service and main entrances, d) which underlying zones may be used in the ECSOD including extent to which requirements of underlying zones will apply unless specifically modified in the ECSOD, e) design and/or design review standards, f) ability or prohibition to place mechanical, ventilation, or other structures on rooftops, g) any or all activities to be conducted in such a manner that noise, smoke, dust, odor, vibration, waste disposal or other objectionable features are confined to the premises, buildings or structures, h) any and all matters currently included and/or addressed in "Section V Special Requirements" section of the existing Town of Natick Zoning By Law (whether such matters are i) specifically and/or differently addressed in the ECSOD, ii) modified for the ECSOD within said Section V, or iii) applied to the ECSOD as set forth in said Section V), i) height, elevation and/or orientation of windows and other building features in relation to neighboring properties and/or j) other matters including neighborhood and abutter protections;
- 8) Specifying requirements for the applicability of the Aquifer Protection District to the ECSOD; and/or
- 9) Taking any other action to amend the zoning bylaw consistent with the creation of this ECSOD;

or otherwise act thereon."

### **ARTICLE 21**

### Amend Zoning By-Laws: Downtown Mixed Use Zoning Amendment (Town Moderator on behalf of Julian Munnich et al)

"To see if the Town will vote to amend Natick Zoning By-Laws with regard to the Downtown Mixed Use zone by:

- A. Replace, eliminate or modify the Downtown Mixed Use ("DMU") specific language in Section V-D Off-Street Parking and Loading Requirements section 3 "Parking Facilities Required by Category of Parking Demand" sub section b "For Multiple Family Dwellings" in order to make the basic parking requirements for Multiple Family Dwellings in DMU in said sub section b to be the same as other districts in the Town;
- B. Modify Section V-D "Off-Street Parking and Loading Requirements" section 5 "Exceptions in the Downtown Mixed Use District" to allow the exception in the first paragraph of said section 5 regarding a 10% reduction to apply to residential uses;
- C. Specify the order of computation for determining required parking spaces when applying the various parking requirements sections pertaining to the DMU and any/all parking exceptions or waivers for the DMU;

- D. Limit the extent of or prohibit the use for multi family dwellings of the parking provision contained the second paragraph of Section V-D 5 "Exceptions in the Downtown Mixed Use District";
- E. Change the second paragraph of said Section V-D 5 "Exceptions in the Downtown Mixed Use District" to require that any such exception be by Special Permit and/or to change the criteria listed in that second paragraph in order to obtain or grant such exception(s);
- F. Establish minimum parking requirements for multi family uses in the DMU notwithstanding any other provision of the Zoning ByLaw;
- G. Provide DMU specific requirements, modifications or exceptions in Sections V-D 15, 16 and 17 and make any such associated requirements, modifications or exceptions subject to the Special Permit approval of the SPGA;
- H. To specify that any mixed use project in the DMU which has a use requiring a special permit shall require a special permit for the entire mixed use project notwithstanding the inclusion in such mixed use project of uses permitted as of right;
- I. To allow restaurants, with or without the service of alcoholic beverages, operating as a business in the DMU, to allow such restaurants to have outside seating and to determine whether any such restaurant uses, including any entertainment, shall be by special permit;
- J. To establish a density or intensity limit(s) for the number of multi-family dwelling units in a project in the DMU;
- K. To change the definition of Dwelling Unit in Section 200 of the Zoning ByLaw i) to be consistent with the International Building Code and/or state building code, ii) to include requirement for sanitation, toileting and/or bathing, and/or iii) to require equipment for cooking and eliminating the reference to other provisions for the same; and/or otherwise act thereon."

### **ARTICLE 22**

### Local Option Exemption to Appoint a Police Officer (Town Moderator on behalf of Rita Silva Martins, et al)

To determine whether the Town will authorize the Select Board to petition the General Court for special legislation that would permit an applicant, Rita Silva Martins, who desires to seek appointment to be a police officer in the Town of Natick and who has reached the age of 32 before taking any civil service examination regarding such appointment. Said special legislation is as follows:

### An act

SECTION 1. Notwithstanding Section 58 of Chapter 31 of the General Laws or any other general or special law or rule or regulation to the contrary regulating the maximum age of an applicant for appointment as a police officer, Rita Silva Martins of the Town of Natick, shall be eligible to have her name certified for original appointment to the position of Police Officer in the Town of Natick notwithstanding her having reached the age of 32 before taking any civil service examination in connection with that appointment.

SECTION 2. Rita Silva Martins shall be eligible for appointment to the position of police officer in the Town of Natick provided that she meets all other requirements for certification and appointment to this position.

SECTION 3. This Act shall take effect upon its passage.

or take any other action relative thereto.

### **ARTICLE 23**

### Warrant Article Sponsored by the Town Meeting Practices and Rules Committee For the 2020 Fall Annual Town Meeting Warrant

To see what action(s) the Town will take to

- 1) Amend Article 3 and/or Article 23 of the Town of Natick ByLaws to provide that the consideration and report, by the Finance Committee, of matters of business included within the articles of any warrant for a Town Meeting shall be required mandatory condition and such consideration shall be conducted as a public hearing at which residents and taxpayers, as defined in Article 2 section 10 of the Charter, and town employees shall have the right and opportunity to be heard on such matters of business;
- 2) Specify notice or publication requirements for such public hearing whether simply consistent with the open meeting law or otherwise;
- 3) Amend Article 3 of the Town of Natick Bylaws to allow the representative town meeting to waive the requirements contemplated in 1) above for such consideration, report and public hearing on specified or particular matters of business and to set the quantum of vote and other requirements for such waivers and include such waivers in the chart for Precedence of Motions;
- 4) Amend the Town of Natick ByLaws to establish that the requirement(s) contemplated in 1) above is necessary for such specified or particular matters of business to be in order at Town Meeting unless a waiver is voted;
- 5) Amend Article 7-9-b of the Town Charter to amend the phrase "unless otherwise provided by the charter or by law" to read "unless otherwise provided by the charter, by law or by bylaw" or similar wording;

6)

Or otherwise act thereon.

#### **ARTICLE 24**

### Warrant Article Sponsored by the Town Meeting Practices and Rules Committee For the 2020 Fall Annual Town Meeting Warrant

To see what action(s) the Town will take to Amend Article 5 Fiscal Procedures of the Town of Natick Home Rule Charter to:

- 1) Authorize the representative Town Meeting by ByLaw to require certain information to be included or provided in connection with the budget message and any annual preliminary or submitted operating and/or capital expenditures budget for an ensuing fiscal year; and/or
- 2) Require certain procedures to be followed and information to be provided in connection with an updated budget message and updated annual operating and/or capital expenditures budget for a current fiscal year at Spring or Fall Annual Town Meeting and/or special town meetings and/or
- 3) Authorize the representative Town Meeting by ByLaw to require certain procedures to be followed and information to be provided in connection with an updated budget message and updated annual operating and/or capital expenditures budget for a current fiscal year at Spring or Fall Annual Town Meeting and/or special town meetings; and/or
- 4) Specify additional information to be included in the budget message and any annual preliminary or submitted operating and/or capital expenditures budget for an ensuing fiscal year; and/or

Or otherwise act thereon

# ARTICLE 25 CREATE STUDY COMMITTEE OF TOWN MEETING TO CONDUCT REVIEW OF DOWNTOWN MIXED-USE ZONING (Paul Griesmer, et al.)

"To what action the Town will take:

i) to create a committee to study and review any and all aspects of the Downtown Mixed Use Zoning District (DMU) including without limitation any and all dimensional regulations, intensity regulations, allowed uses (whether as of right or by special permit or by section six (pre-existing non-conforming use) finding or otherwise), parking requirements, setback and regulations from surrounding districts, purpose of the DMU, role and purpose of the DMU as a Natick Center for all the people of all the precincts in Natick, capacity for the town to absorb the 2,000 additional apartment units advocated and proposed by others, definitions applicable to DMU whether applicable only to the DMU or DMU and other districts, perimeter of the DMU, possible districts within the current DMU, review the basis for previous ZBA decisions authorizing apartments without requiring off-site parking, on-site parking or affordable housing, review traffic capacity of streets and roads throughout the DMU and associated zoning implications, reviewing DMU zoning articles that were referred to but never considered by elected or other standing town committees, reviewing and referring to said committee other proposed DMU zoning changes, reviewing the history of development and applications for development in the DMU; and/or

- ii) to determine the term, charge and responsibility of said committee including but not limited to the above, to consulting with all downtown stakeholders in the DMU and consulting with stakeholder and citizens throughout all ten precincts of the Town, and to bringing possible zoning amendments back to Town Meeting; and/or
- iii) to determine the size, composition, eligibility and qualifications to serve on such study committee; and/or
- iv) to determine which town agencies will provide support to such committee and whether to provide such committee with access to Town Counsel; and/or

otherwise act thereon."

### ARTICLE 26 Committee Article (Town Administrator)

To see if the Town will vote to hear and discuss the reports of town officers, boards, and committees; or otherwise act thereon.

The above articles are to be acted upon and determined exclusively by Town Meeting Members in accordance with Chapter 2 of the Acts of 1938 and Amendments thereto and the Town Charter and subject to the referendum provided thereby.

You are directed to serve this Warrant by causing an attested copy of said Warrant to be posted in the Post Office in said Natick; and at the following public places in said Natick, to wit: Precinct 1, Reliable Cleaners, 214 West Central Street; Precinct 2, Cole Recreation Center, 179 Boden Lane; Precinct 3, Kennedy Middle School, 165 Mill St.; Precinct 4, 2 Summer St.; Precinct 5, Wilson Middle School, 22 Rutledge Road; Precinct 6, East Natick Fire Station, 2 Rhode Island Avenue; Precinct 7, Lilja Elementary School, 41 Bacon Street; Precinct 8, Natick High School, 15 West Street; Precinct 9, Community Senior Center, 117 West Central Street and Precinct 10, Memorial Elementary School, 107 Eliot Street.

Above locations being at least one public place in each Precinct, in the Town of Natick, and also posted in the Natick U.S. Post Office, Town Hall, Bacon Free Library and Morse Institute Library seven days at least before October 20, 2020 also by causing the titles of the articles on the Warrant for the 2020 Fall Annual Town Meeting to be published once in the Newspaper called "The MetroWest Daily News," with notice of availability of an attested copy of said Warrant, said Newspaper published in the Town of Natick and said publication to be August 27, 2020.

Hereof fail not and make due return of this Warrant with your doings thereon to the Town Clerk at or before the time appointed for holding said meeting.

Given under our hands this, 21st Day of August 2020.

JONATHAN H. FREEDMAN

Chair

KAREN ADELMAN-FOSTER Vice Chair

RICHARD P. JENNETT, JR Clerk

SUSAN G. SALAMOFF Member MICHAEL J. HICKEY, JR

Member

### Select Board for the Town of Natick

Certified copies of the Warrant are available at the Office of the Town Clerk, Natick Town Hall, 13 East Central St., Natick, MA between the hours of 8:00 a.m. – 5:00 p.m., Monday through Wednesday; 8:00 a.m.-7:00 p.m. on Thursday and 8:00 a.m.-12:30 p.m. Friday; the Warrant may also be accessed from the Town web site <a href="https://www.natickma.gov">www.natickma.gov</a>.